UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
P. O. BOX 1420
LAS CRUCES, NEW MEXICO
88001

MOSSMAN ARROYO ORV AREA
OFF-ROAD VEHICLE MANAGEMENT PLAN
(4330-4929)

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Las Cruces-Lordsburg Resource Area
Planning Unit 3-05
Las Cruces District
January, 1978

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RECORD OF PREPARATION AND APPROVAL OF PLAN

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INTRODUCTION AND SUMMARY

INTRODUCTION AND SUMMARY

PLAN ORGANIZATION

This plan has been divided into two major sections for convenience to the reader. Part I contains basic information without including any development or management decisions. It is a collection of supporting data and background information which directly affects the implementation of the plan. Resources, area and user characteristics and planning efforts to date are included. Part II contains the planning efforts, management, and development decisions necessary to prepare and implement an action program in the Mossman Arroyo. It gives general guidelines for management and development.

Orientation

Mossman Arroyo Off-Road Vehicle (ORV) Management Area is located approximately 15 miles southeast of Las Cruces, New Mexico, in Dona Ana County (See Figure 1). The area is situated in the western portion of the Organ Mountain Planning Unit and covers portions of Sections 20-22 and 27-29 in T. 24 S., R. 3 E. The ORV site consists of 1473 ha (3640 acres) of public domain. The area is east of the community of Mesquite and adjacent to the Rio Grande Valley.

Purpose and Objectives

This document is the Off-Road Recreation Vehicle Management Plan for the Mossman Arroyo. Its purpose is to fulfill the requirements of Executive Order 11644 (Appendix 5) by designating and managing specific areas for ORV use. It is constrained and guided by the Organ Mountain Management Framework Plan (MFP).

The overriding objectives in this plan are:

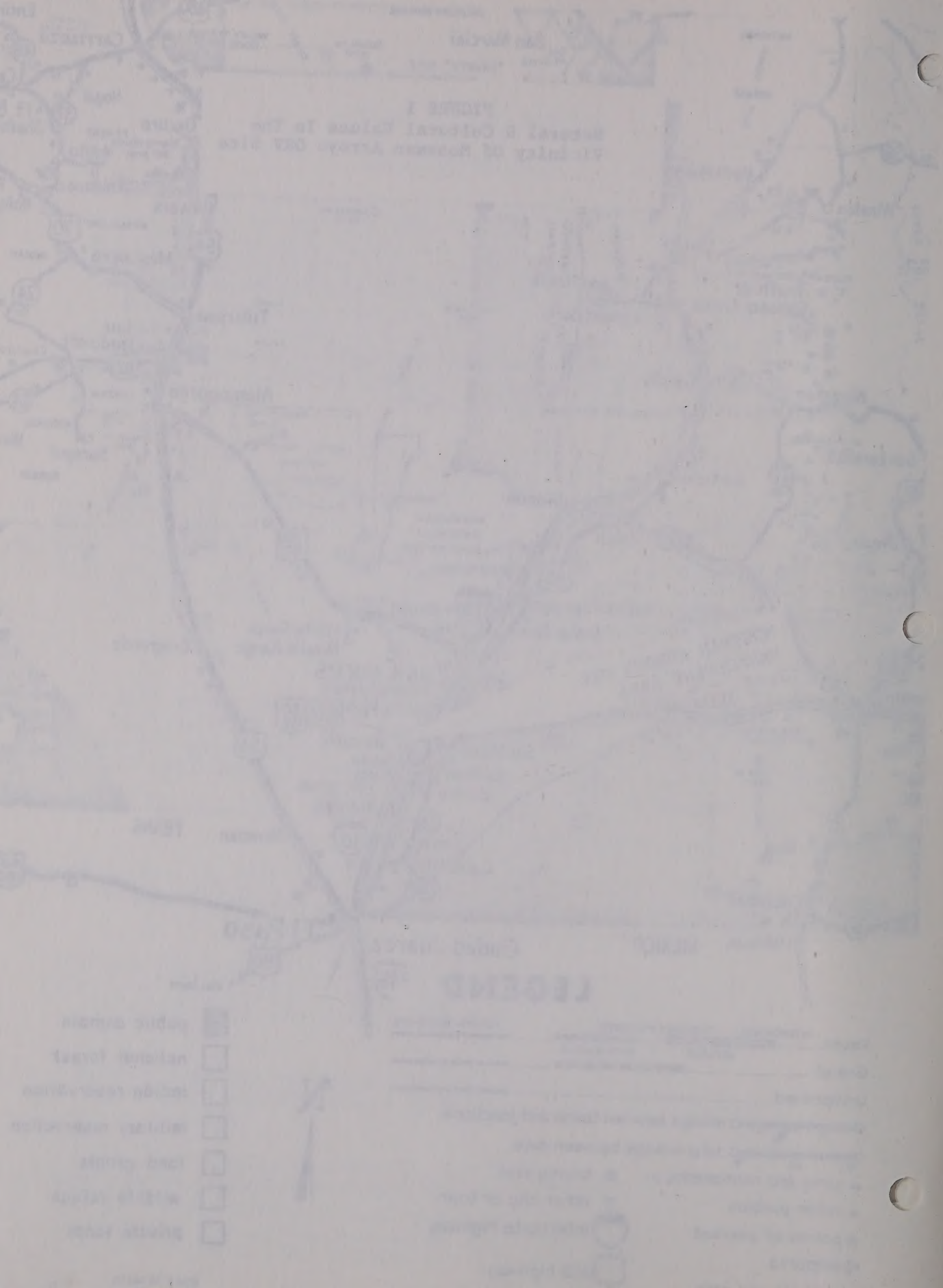
1. To control and direct the use of ORV's so as to protect the resources, promote the safety of all users, and minimize conflicts among various uses of the public lands.

2. To prepare an information, signing, and visitor use program which will assist the visitor in enjoying and understanding a designated open area and channel undesirable impacts away from sensitive resource areas.

3. To develop adequate roads, trails, and recreation facilities to accommodate an anticipated use by 15,000 visitors annually by 1980.

These objectives are mandated by E. O. 11614 as amended (Appendix 5), 43 CFR 6290 (Appendix 2), proposed regulation amendments 14 FR 31518 (Appendix 3) and the District ORV Designation Schedule (Appendix 7). While of a general nature, these objectives outline the definitions, policy, and guidelines for the management of this developed ORV site.

FIGURE 1
Natural & Cultural Values In The Vicinity Of Mossman Arroyo ORV Site



Plan Component Summary

The following are the major components of this ORV Management Plan. Specific discussion is contained in Part II.

1. The Mossman Arroyo ORV Area will have three designated zones which will be managed under the guidelines established in 43 CFR 2924, 6250, 6260, 6290. These zones are:

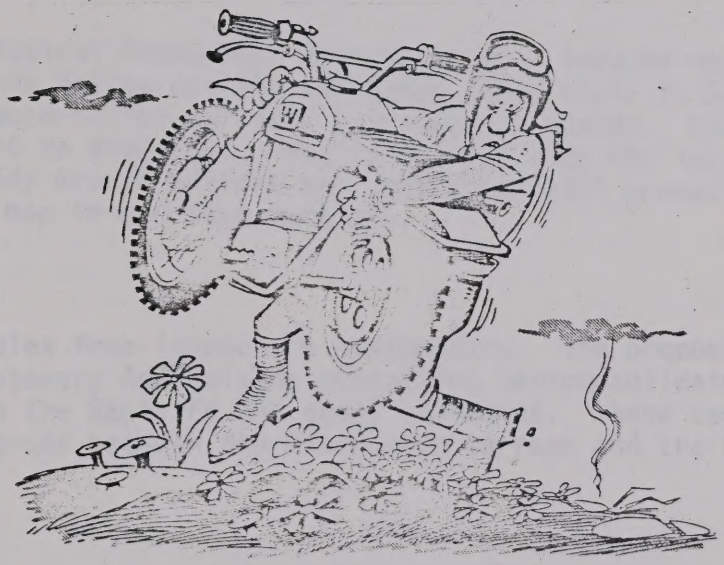
   ORV Area Buffer Zone
   Road & Trail Development Zone
   Visitor Services Zone

2. Visitor facilities, if developed, will generally be located on the edges of the ORV site in order to protect the resources as well as spectators and riders. Parking, spectator, concessions, and other facilities will be marked or signed as appropriate. Speed limits and race courses will be posted and marked.

Bureau Planning Status

The Organ Mountain Planning Unit Resource Analysis (URA) and Management Framework Plan (MFP) was completed in November 1974. The ORV Management designation recommendation was made by "Recreation" in the MFP. The decision was to locate an ORV use area in the Mossman Arroyo area and restrict use to established roads, trails and arroyo bottoms and planned events on courses or routes determined by the BLM.

RESOURCE DESCRIPTION



RESOURCE DESCRIPTION

Climate

The climate is arid three seasons of the year, with the exception being the summer. Mean annual rainfall is 8.5 inches, varying from 4 to 16 inches seasonally. Relative humidity averages 30%. Snowfall totals from 2 to 5 inches for the year. Temperature ranges from a mean of 44° F to 76° F with extremes of -20° F to 114° F. The average frost free period is 200 days. The sun shines an average of 80% of the time and the winds are predominantly from the southwest. Average wind velocity is 5 to 10 miles per hour, but spring winds (March-May) may reach 30 miles per hour and carry dust and sand.

Topography

The area is a typical Chihuahuan desert arroyo. Arroyos are adjacent to the Rio Grande Valley and the irrigated flood plain is bordered on both sides by desert-like terraces and mountain ranges. Elevation ranges from 4070 to 4400 feet. Within the ORV area the local relief is varied. Sandy arroyo bottoms are contrasted with gravelly ridge tops (see base map in overlays section).

Geology

Geology is complex from igneous to sedimentary. The proposed site is composed of Quatenary Age bolsons containing semiconsolidated sediments superimposed on the Santa Fe Age group sediments. These sediments are located in a border between the Rio Grande terrace and the Organ Mountain alluvial fan.

Soils

The soils of the area are classified into the Rough-Broken-Land-Bluepoint-Caliza Association. The surface layer is usually gravelly loam or gravelly sandy loam. Depth ranges from 20 inches to 5 feet, consisting of finer particulate material associated with the particular soil. The arroyo bottoms contain gravel and deposited particulate matter. These soils have rapid permeability and are too porous to hold water. Soils in the area are low in fertility and fine particles have been lost to wind and water erosion. Erosion pavement has now covered and is protecting the ground surface.

Water

The only form of natural surface water is that which falls during periods of precipitation and generally flows westward towards the Rio Grande. Due to the permeability of the soils, the water is absorbed into the ground very quickly.

Vegetation

The vegetation within the area is of the creosote-whitethorn-range ratony, and mesquite-creosote associations. Creosote, Larrea tridentata, is the dominant shrub found in the upland areas. Other shrubs in this area are: Fourwing saltbush, Atriplex canescens, mesquite, Prosopis juliflora, tarbush, Flourensia cernua, whitethorn, Acacia constricta, and range ratony, Kameria glandulosa. Grasses of the area are: fluffgrass, Tridens pulchellus, and bush muhly, Muhlenbergia porterii. Desert holly, Perezia nana, is also present under the creosotebush. The arroyo bottoms contain mesquite and desert willow, Chilopsis linearis. The abundance of other shrubs within the creosote vary from 0-15 percent while grasses vary from 0-10 percent. Form production varies from year to year due to precipitation. There are no known threatened or endangered vegetal species in the area.

Wildlife

Dominant species consist of reptiles, amphibians, birds, and mammals Most are small and none are known to be rare or endangered. The reptiles and amphibians consist of various lizards, snakes, and toads found in association with the creosote vegetation type. Most nocturnal or crepuscular, except for lizards, and have their nests or burrows near shrub cover. Birds common to the area are quail, doves, roadrunners, and raptors. Jackrabbits, fox, porcupine, squirrels, badger, bobcat, skunks and coyotes are also present in the area. Insects are those characteristic of the Sonoran Life Zone.

Lands

The land pattern surrounding Mossman Arroyo is one of intermixed ownership. This pattern is shown on Base Map. Private lands on the west are primarily residential in nature and must be considered in any development. City plans are currently to expand to the east. Residential development may be inevitable near this area, however, conflicts can be avoided by proper planning and buffering.

Cultural

No cultural sites have been spotted in the general vicinity of Mossman Arroyo, but no systematic cultural resource inventory has been conducted. A Class II inventory is scheduled for FY 78.

Visual

The visual resource of the area has been evaluated as to its landscape character. The Mossman Arroyo ORV Site has been given a Class C scenery rating on a scale of C=1-9, B=10-14, and A=15-24. When compared with regional scenic values, using the criteria, the scenery is rated below average. This rating was extracted from the Organ Mountain Planning Unit URA.

Wilderness

A cursory roadless inventory in August of 1977 included this area. However, due to the lack of remoteness, existing intrusions, developments, land status, and current uses, this area will not qualify to be studied for suitability as potential wilderness.

LAND USE

LAND USE

Historical Uses

Grazing had been the traditional use of this area. In the past a site in section 28 was used for mineral extraction.

Present Uses

As previously stated, ORV use is intermittent., i.e., weekends and holidays, but not concentrated within the area. Permittees are using Sec. 28, T. 24 S., R. 3 E., to extract gravel. Crusher rejects and bank material are used. This site is still active under mineral sales permits.

Potential Uses

Grazing values are poor due to lack of water and inadequate forage. Mineral potential exists only for geothermal resources. Wildlife habitat is not critical for any species. Additional information on cultural resources is needed before potential uses can be determined.

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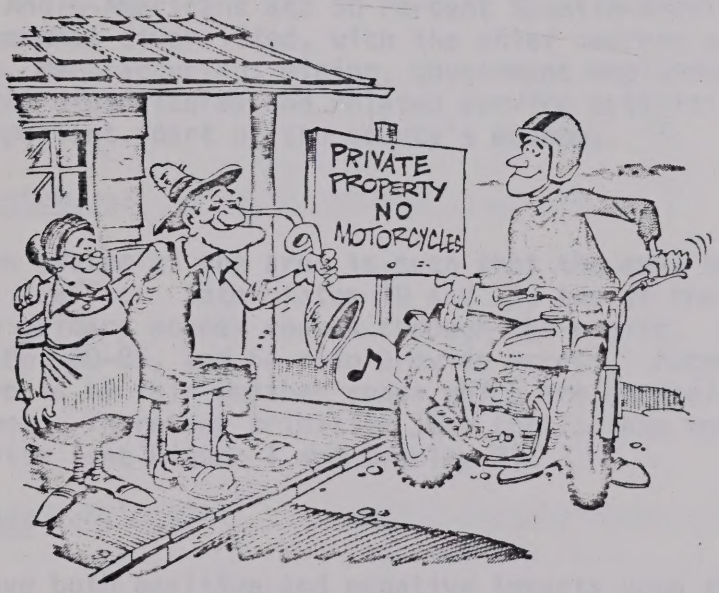
SOCIO-ECONOMIC PROFILE



SOCIO-ECONOMIC PROFILE

Regional Analysis

The subject ORV Site is located in Dona Ana County in the southern-central portion of New Mexico (see Figure 1). Known as the Mossman Arroyo, it is situated approximately 15 miles east of Las Cruces, (1977 pop. est. 50,750) which is the third largest city in the State and is the county seat. Dona Ana County has a population of approximately 85,000. The balance of the county's population is concentrated in small communities along the Rio Grande Valley. El Paso, Texas (1974 pop. est. 335,000) and Juarez, Mexico (1974 pop. est. 513,000) have considerable influence on the local economy of the southern part of the county. The ethnic make-up of the county is estimated to be about 50 percent Anglo-Americans and 50 Percent Spanish-Americans. The economy is somewhat diversified, with the chief sources of income being agriculture, manufacturing, mining, government employment, and utilities. Tourist expenditures and related service activities are a general, but important, part of the county's economy.

Transportation System

The transportation system of the area is such that the area has a large amount of tourist traffic. Interstates 10 and 25, two of the major highways, are the primary access routes through the region. U.S. Highways 70-82, 180, 80-85, and 54 also provide access. Access to the Mossman Arroyo is by fair weather roads which are generally impassible when wet. There are primitive jeep trails into most portions of the site (see Figure 1 and Overlay 3).

Community Attitudes

This site will have both positive and negative impacts upon the residents of the bordering Mesquite area. Increased noise, dust, traffic, carbon monoxide levels, odors, and visual intrusions are some of the negative impacts which will occur if the area is not managed appropriately. Positive benefits will include concentrated and controlled ORV Use, increased expenditures in the local economy due to purchase of vehicular services and equipment, a recreational vehicle area for families, children, and motorcross riders. The impact will depend on the individuals as well as how the managing agency designs and develops the area. Figure 2 portrays social demographic data that has been compiled in other research. Although collected under varied methodology, it gives some indication of characteristics of ORV operators.

FIGURE 2

MOTORCYCLE OWNER PROFILE: NUMBER OF OWNERS AND RIDERS, SEX, MARITAL STATUS, AGE, EDUCATION

In 1976 there were an estimated 5.7 million motorcycle owners in the U.S. Consumer research conducted in 1975 indicates the following demographic characteristics apply to the motorcycle owner.

Nine in ten motorcycle owners were male and six in ten were married.

The median age was 27.6 years with almost half (48%) of the owners in their twenties and early thirties. The remaining half was about evenly divided between those under 21 (24.4%) and over 34 (24.1%) years of age.

High school was the highest level of education attended by the majority (51.7%) of owners, 37.7% had attended some college or Post Graduate education, and 5.2% had reached grade school level.

MOTORCYCLE OWNER PROFILE : NUMBER OF OWNERS AND RIDERS, SEX, MARITAL STATUS, AGE, EDUCATION

5,711,000 Estimated Motorcycle Owners in 1976[1]

20,700,000 Estimated Motorcycle Riders in 1976[1]

Sex	% of Total Owners
Male	89.2%
Female	8.0
Not Stated	2.8

[2]

Marital Status	% of Total Owners
Married	59.8%
Single	35.6
Other	1.6
Not Stated	3.0

[2]

Age	% of Total Owners
Under 18	16.2%
18 - 20	8.2
21 - 24	13.7
25 - 29	19.3
30 - 34	15.0
35 - 39	8.9
40 - 49	8.7
50 and over	6.5
Not Stated	3.5
Median	27.6
Average	28.8

[2]

Highest Level of Education	% of Total Owners
Grade School	5.2%
Trade School	2.3
High School	51.7
College	30.1
Post Graduate	7.6
Not Stated	3.1

[2]

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[1] Source: The number of motorcycle owners is estimated by the Motorcycle Industry Council based on motorcycle population estimates and the distribution of motorcycles per owner. The number of motorcycle riders is estimated by the Motorcycle Industry Council based on statistics for the number of riders per motorcycle (2.5) from the Motorcycle Safety Foundation, Linthicum, Maryland.

[2] Source: 1975 Motorcycle Aftermarket Study, Cycle Magazine, Beverly Hills, CA, April 1975.

MOTORCYCLE OWNER PROFILE: OCCUPATION, INCOME, MOTORCYCLE OWNERSHIP

Motorcyle owners were most frequently reported to be students (22.5%) with regard to their current occupation. 20.2% held professional or technical positions, 16.8% were laborers or semi-skilled laborers, and 11.8% were mechanics or craftsmen. An additional 12.7% were split between those owners who were managers or proprietors and those involved in farming. Only 3.6% held clerical or general sales jobs.

The median household annual income was $14,260. Half (49.1%) of the motorcycle owners reported their total household annual income to be from $10,000 to $19,999. The remainder of owners reporting household income was evenly divided between those earning less than $10,000 per year and those earning $20,000 per year or more.

MOTORCYCLE OWNER PROFILE : OCCUPATION, INCOME, MOTORCYCLE OWNERSHIP

[1]

Occupation	% of Total Owners
Student	22.5%
Professional/ Technical	20.2
Laborer/Semi-Skilled	16.8
Mechanic/ Craftsman	11.8
Manager/Proprietor	6.6
Farmer/Farm Laborer	6.1
Clerical/Sales	3.6
Other	10.6

[2]

Total Household Annual Income	% of Total Owners
Under $5,000	5.9%
$5,000 - $7,499	6.3
$7,500 - $7,999	2.4
$8,000 - $9,999	7.0
$10,000 - $14,999	28.9
$15,000 - $19,999	20.2
$20,000 - $24,999	11.4
$25,000 - $49,999	8.6
$50,000 and over	1.8
Not Stated	7.5
Median	$14,260
Average	$16,840

[2]

Number of Motorcycles Currently Owned	% of Total Owners
Own 1 motorcycle	68.2%
Own 2 motorcycles	21.9
Own 3 motorcycles	6.8
Own 4 or more motorcycles	3.1
Total	100.0%

[2]

Previous Motorcycle Ownership	% of Total Owners
Owned a motorcycle other than the one(s) now owned.	55.1%
No previous motorcycle ownership.	41.8
Not Stated	3.1

[1] Source: Survey of the U.S. Motorcycle Market, J.D. Power & Associates, Los Angeles, California, March 1975

[2] Source: 1975 Motorcycle Aftermarket Study, Cycle Magazine, Beverly Hills, CA, April 1975

VISITOR USE

VISITOR USE

Existing

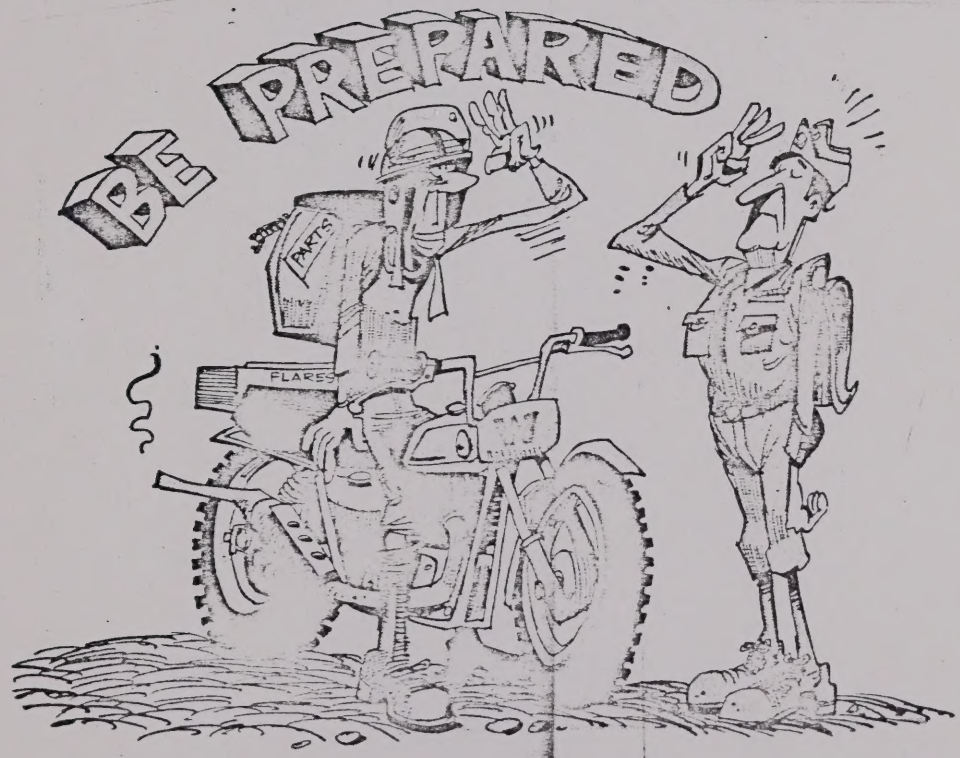
No races have been held in this area but the week-end and holiday ORV'er is continuing to use the area. Hunters (quail and doves) also use the area. The present use rate is 3,000 visitor days, or 10-15 vehicles per day.

Potential

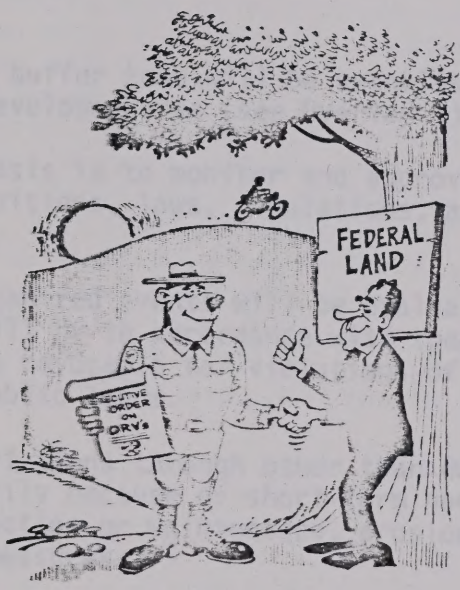
Lack of empirical data makes it difficult to quantitatively assess visitor use that could be expected for the proposed development. However, an overview of potential use can be derived from State statistics and registered motorcycles. Texas has virtually no Federal land upon which to ride, and the residents are willing to drive to New Mexico for good riding areas. It is estimated that development of the site will increase visitation to more than 9,000 visitor days per year by 1980.

PART II

THE PLAN



MANAGEMENT GUIDELINES



MANAGEMENT GUIDELINES

Three principal development stages have been established in order to manage the area and meet the objectives (see Overlays 1-3). These developments will be managed according to provisions set forth in E.O. 11644, Federal and State regulations, and appropriate ORV Management Plans.

Objectives

The Mossman Arroyo ORV Area is to be managed primarily for intensive ORV use. This will include, primarily, motorcycles and dune-buggies, but may allow for mini-bikes and other types of 2, 3, and 4-wheel drive vehicles.

Constraints

1. A one-half mile buffer zone will be established between residential areas and the developed area (see Overlay 1).

2. Management emphasis is to monitor and approve use in accordance with applicable definitions, laws, regulations, and stipulations (see Appendices 2-6).

3. Requests for organized events will be evaluated on a case-by-case basis and use will be in accordance with special use stipulations. Permits shall be revocable for violations of the rules and regulations governing the public lands.

4. Closure or restrictions through other than ORV regulations may be imposed temporarily because of short-term needs such as reseeding, facility construction or maintenance, erosion control, or other rehabilitative measures.

5. Malicious practices will be controlled by legal and custodial means (patrolling and maintenance).

6. The District Predator Management Plan will be continued. This plan establishes a safety zone or buffer zone of a least 3 miles around an area to limit the effects of predator trapping and hazard to the ORV user.

7. Fire and insect infestation will be suppressed in accordance with established District plans.

8. The area will be closed to hunting and to livestock grazing.

9. Research investigations to study ORV impacts may be permitted under written agreement by the Authorized Officer. Administrative procedures to monitor research activities will be required.

10. To the extent possible, State lands surrounding the boundary of the ORV area should be acquired through exchange or by other means.

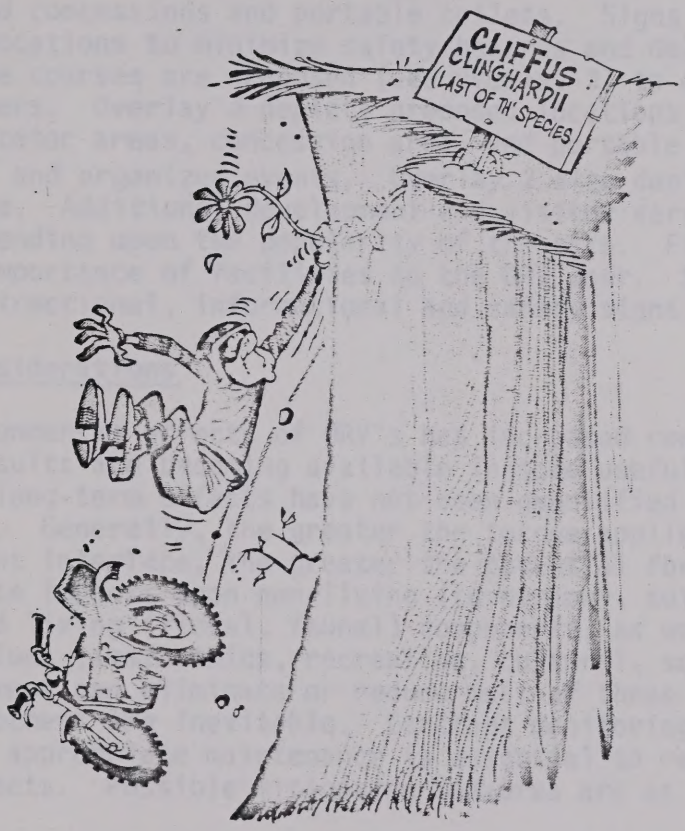
Public Information

Information will be provided users and spectators in the form of maps, brochures, signs, public meetings, tours, talks, plans, and news releases. Every effort will be made to explain the need for such an area, encourage family participation, and interpret design principles and policy guidelines to the public. Other information, such as safety suggestions, survival tips, and emergency procedures, should be included.

Protection

Providing for the protection of both visitors and the resources is essential if the area is to be adequately managed. During organized events, communications, first aid, and emergency services must be available by trained personnel in order to keep injuries and hardship at a minimum. During non-organized event periods and casual use, District personnel should patrol the area on a year-round basis with the frequency dictated by visitor use. Surveillance personnel should be trained in first aid, fire hazard inspection and suppression and law enforcement. The primary resource protection needs are the design, construction, and maintenance of developed facilities so as to concentrate intensive use where environmental impacts can be kept to a minimum. By zoning, signing, patrolling, issuing permits, and providing visitor information, the resources can be protected.

DEVELOPMENT GUIDELINES



DEVELOPMENT GUIDELINES

Development Concept

The developments proposed for the Mossman Arroyo ORV Site are designed to provide opportunities for all classes of riders and for spectators. Easy to difficult loops are proposed for the motorcyclist and mini-biker as well as the dune-buggy or 4-wheel drive enthusiast. Limited visitor facilities are planned, such as parking and spectator areas and sites for self-contained concessions and portable toilets. Signs will be implaced at key locations to minimize safety hazards and delineate boundaries. Three courses are proposed (see Overlay 2) to accommodate the variety of users. Overlay 3 depicts proposed locations of signs, parking, and spectator areas, concession area, and portable toilets during casual use and organized events. Overlay 2 also depicts access routes to the area. Additional development and visitor services may be practical, depending upon the popularity of the site. Figure 3 illustrates the importance of facilities to the ORV user. See Appendix 11 for examples of directional, informational and safety signs.

Environmental Considerations

Research on environmental effects of ORV's has increased considerably since 1970 and results are becoming available in some useful quantity. However, direct, long-term effects have not been quantified for the Chihuahuan Desert. Generally, the greater the torque applied at the machine-environment interface, the greater the potential for impact. ORV's have definite impacts upon non-living (topography, soils, air, water, noise), and living (floral, faunal) components, as well as on human interest values (aesthethics, recreation, cultural, soico-economic). Design and management can eliminate or reduce most of these conflicts and impacts, but others are inevitable. Constant monitoring of the site coupled with appropriate maintenance is essential to reduce environmental impacts. Possible mitigating measures are as follows:

1. Close the area temporarily, reject permit applications or increase stipulation requirements.

2. Patrol and surveillance could be increased to prevent new roads and trails from being formed.

3. Soil compaction could be minimized by designing perimeter, entrance, and exit points to protect embankments.

4. Particulate matter could be minimized by posting speed limits and watering the course prior to organized events.

5. Fires and collection of vegetative material should be prohibited.

6. Cultural clearance surveys must be conducted during course design and prior to formal course designation.

7. Baffles and spark arrestors should be installed to reduce noise and fire hazards.

FACILITY IMPORTANCE AS RANKED BY USERS

Facility	Importance Ranking, in Percent of Respondents				
	Very Important	Somewhat Important	Not Important	No Response	Total
Sanitary Facilities	52	33	13	2	100
Drinking Water	41	38	19	2	100
Parking Area	28	43	24	5	100
Shade	24	48	24	4	100
Medical Facilities	22	47	27	4	100
Dust Control	20	38	38	4	100
Camping Facilities	19	53	26	2	100
Parts, fuel, or Repair facilities	8	29	58	5	100
Picnicking Facilities	7	42	46	5	100
Food and Beverage Facilities	7	27	26	4	100
Loading Ramp	2	7	84	7	100

FIGURE 3

Action Sequence and Cost Estimates

The following is a realistic sequence of direct and supporting actions needed and cost estimates to develop the Mossman Arroyo ORV area.

FY	Direct Actions	Cost Estimate
79	2120-8265 (Access, parking & spectator)	$89,000
80	2220-4330-4945 (Maintenance & Patrol)	5,000
81	2220-4330-4945 (Maintenance & Patrol)	5,000
82	2220-4330-4945 (Maintenance & Patrol)	5,000

Supporting Actions

Maps, brochures, signs & installation	$2,500
EAR Preparation	7,000
Sign maintenance/replacement	500
Cultural reconnaisance, clearance and mitigation measures	2,000

Zoning

Buffer

This zone not only lessens aesthetic impacts on the surrounding private lands (see Overlay 1) but reduces noise generation (Figures 4 & 5).

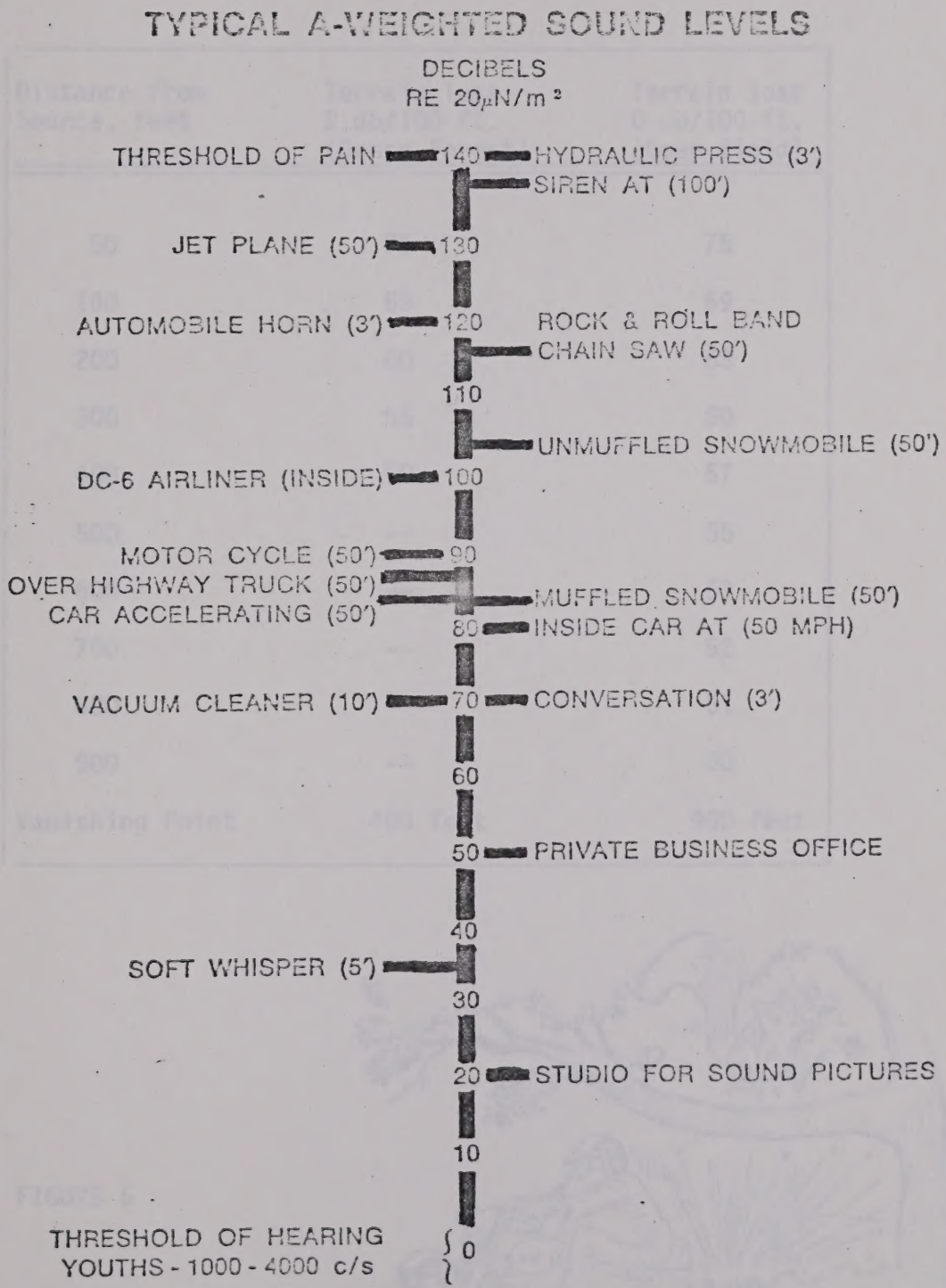
Road and Trail Development

This zone of development (see Overlay 2) provides for access, a variety of types of courses (dune-buggy, motorcycle, mini-bike, enduro, motorcross, and family riding) plus a combination for organized events.

Visitor Services

This zone keeps spectators, concessionaires, and sanitary facilities divorced from trail and road users. Signs are controlling influences which provide for visitor safety and are shown (see Overlay 3).

FIGURE 4



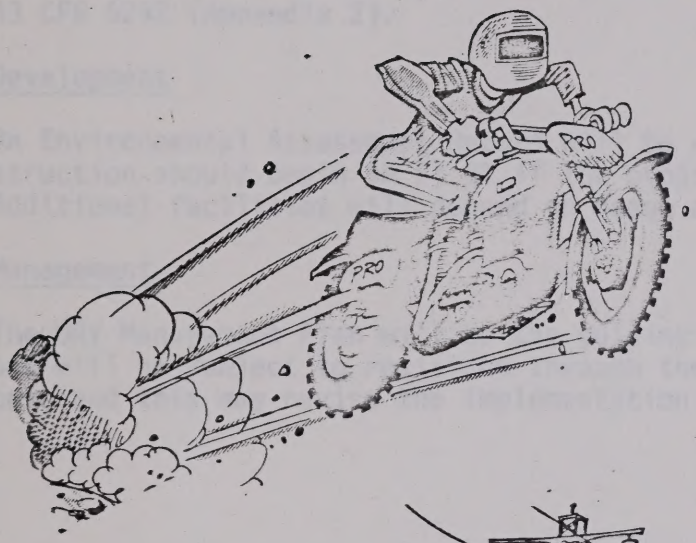
Typical A-weighted sound levels measured with a sound-level meter. Sound-level measurements give only part of the information usually necessary to handle noise problems, and are often supplemented by analysis of the noise spectra.

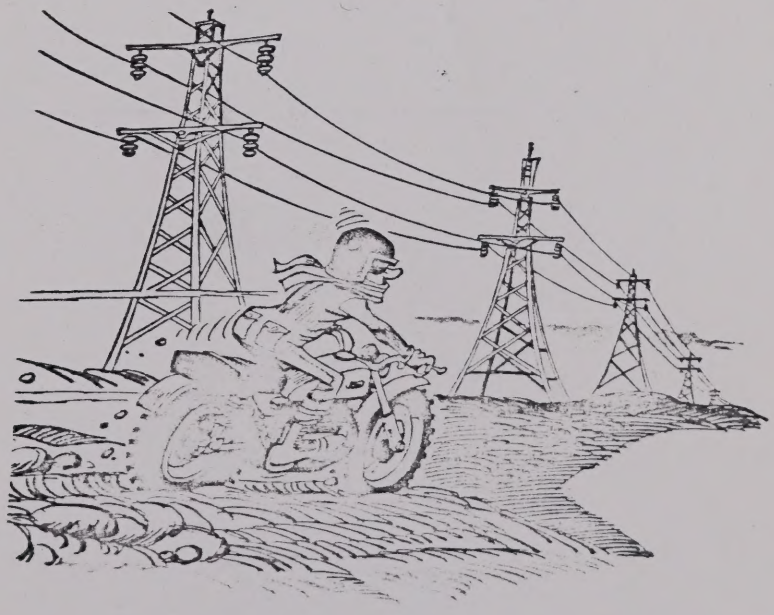
Sound Diminishment Due to Distance and Terrain Type, Given 75 abA at Fifty Feet from Source

Distance from Source, feet	Terrain loss 2 db/100 ft. (Dense Forest)	Terrain loss 0 db/100 ft. (Open field)
50	75	75
100	69	69
200	60	63
300	55	60
400	50	57
500	--	55
600	--	53
700	--	52
800	--	51
900	--	50
Vanishing Point	400 feet	900 feet

FIGURE 5

PLAN IMPLEMENTATION





PLAN IMPLEMENTATION

Designation

Mossman Arroyo ORV Area will be formally designated in the Federal Register through BLM's land planning process and the District ORV Designation schedule (Appendix 7). This area will be identified as an open, intensive use area and designated in accordance with 43 CFR 6292 (Appendix 2).

Development

An Environmental Assessment Record will be written in FY 80 and construction should begin in FY 81 if the project is adequately funded. Additional facilities will depend on usage and maintenance needs.

Management

The ORV Management Plan will be the guiding document for this area, but will be subject to revisions through the land use planning process and this may revise the implementation schedule.

APPENDICES AND REFERENCES

PART 6290—OFF-ROAD VEHICLES

Subpart 6290—General

Sec.
6290.0–1 Purpose.
6290.0–2 Objectives.
6290.0–3 Authority.
6290.0–5 Definitions.
6290.0–8 Applicability.

Subpart 6291—Use of Off-Road Vehicles

6291.1 Use of Off-Road Vehicles.

Subpart 6292—Designation of Public Lands

6292.1 Classes of designation.
6992.2 Designation.
6292.3 Designation criteria.
6292.4 Procedures for designation.

Subpart 6293—Organized Off-Road Vehicle Events

6293.1 Events requiring permits.

Subpart 6294—Management of Off-Road Vehicle Use

6294.1 Effects of use; change in designations or restrictions.

Subpart 6295—Operation of Off-Road Vehicles; Vehicle Standards

6295.1 State law applicable; special rules and standards.
6295.2 Operating regulations.
6295.3 Vehicle standards.

Subpart 6296—Special Regulations [Reserved]

AUTHORITY: 43 U.S.C. 1201; the National Environmental Policy Act of 1969, 42 U.S.C. 4321; 43 U.S.C. 2, 1201; and Executive Order 11644 (37 FR 2877).

SOURCE: 39 FR 13613, Apr. 15, 1974, unless otherwise noted.

Subpart 6290—General

§ 6290.0–1 Purpose.

The purpose of the regulations in this part is to implement Executive Order No. 11644, of February 8, 1972 (3A CFR, 1972 Comp., p. 142; 37 FR 2877).

§ 6290.0–2 Objectives.

The objective of these regulations is to provide procedures to control and direct the use of off-road vehicles on public lands so as to protect the resources of those lands, to promote the safety of all users of those lands, and to minimize conflicts among the various uses of those lands.

§ 6290.0–3 Authority.

The provisions of this part are issued under 43 U.S.C. 1201; the National Environmental Policy Act of 1969, 42 U.S.C. 4321; 43 U.S.C. 2, 1201; and Executive Order 11644 (37 FR 2877).

§ 6290.0–5 Definitions.

As used in this part:

(a) Except as excluded hereinafter, "Off-Road Vehicle" means any vehicle designed for, or capable of, travel on or immediately over land, water, sand, snow, ice, marsh, swampland, or other natural terrain, including, but not limited to: Automobiles, trucks, four-wheel drive or low-pressure-tire vehicles, tracked vehicles, motorcycles and related two-wheel vehicles, snowmobiles, amphibious machines, ground-effect or air-cushion vehicles, recreation campers, and any other means of transportation deriving motive power from any source other than muscle. The term "Off-Road Vehicle" excludes: (1) Any nonamphibious registered motorboat; (2) any fire, emergency, or law enforcement vehicle while being used for official or emergency purposes; (3) any vehicle whose use is expressly authorized by a permit, lease, license, agreement, or contract issued by the authorized officer.

(b) "Public Lands" means any lands administered by the Bureau of Land Management.

(c) "Bureau" means the Bureau of Land Management.

(d) "Authorized Officer" means an employee of the Bureau of Land Management to whom has been delegated the authority to take actions under the regulations of this chapter.

(e) "Organized Event" means a structured, or consolidated, or scheduled meeting involving 25 or more vehicles for the purpose of recreational use of the public lands involving the use of off-road vehicles. The term does not include family groups participating in informal recreational activities.

(f) "Official use" means use by an employee, agent, or designated representative of the Federal Government or one of its contractors in the course of his/her employment, agency, or representation.

(g) "Planning system" means the approach provided in Bureau of Land Management directives and manuals to formulate multiple use plans for the public lands. This approach provides for public participation within the system.

§ 6290.0–8 Applicability.

(a) The regulations in this part apply to all public lands except those Federal, State, county, or municipal highways and roads administered by an agency other than the Bureau of Land Management.

(b) The regulations contained in subpart 6296 are special regulations prescribed for the use of off-road vehicles for specific areas, and such regulations may amend, modify, relax, or make more stringent the regulations contained in §§ 6295.2 and 6295.3 of this chapter.

Subpart 6291—Use of Off-Road Vehicles

§ 6291.1 Use of Off-Road Vehicles.

(a) Off-road vehicles operated on the public lands must conform to the vehicle standards set forth in Subpart 6295 of this part.

(b) Any person who operates an off-road vehicle on public lands must comply with the operating regulations set forth in Subpart 6295 of this part at all times and subpart 6296 as applicable while operating such vehicle on public lands.

(c) The operation of off-road vehicles is prohibited on those areas and trails designated as closed to off-road vehicle use except that the authorized officer may allow official use or use pursuant to Part 2920 of this chapter. Such authorization will be for a specific area, conditions of use and period of time and shall be revocable at the discretion of the authorized officer.

(d) Operators of off-road vehicles on those areas and trails designated as restricted must conform to all terms and conditions of the applicable designation order or orders.

(e) The operation of off-road vehicles is permitted on those areas and trails designated as open to off-road vehicle use.

(f) Off-road vehicles are prohibited on trails limited to hiking and horseback riding.

Subpart 6292—Designation of Public Lands

§ 6292.1 Classes of designation.

Public lands will be designated as follows with regard to off-road vehicle use:

(a) *Open use areas and trails.* These are areas and trails where off-road vehicles may be operated subject to the operating regulations and vehicle standards set forth at Subpart 6295 of this part.

(b) *Restricted areas and trails.* These are areas and trails where the use of off-road vehicles is subject to restrictions deemed appropriate by the authorized officer. Restrictions may limit the numbers or types of vehicles allowed, times of use, and similar matters. Restricted areas and trails may be designated for special or intensive use, including, but not limited to, organized events.

(c) *Closed areas and trails.* These are areas and trails where the use of off-road vehicles is permanently or temporarily prohibited.

§ 6292.2 Designation.

(a) The authorized officer may designate any public lands as restricted or closed to off-road vehicle use. Public lands not so designated shall remain open to off-road vehicle use and are hereby designated as open use areas and trails except that restrictions and closures regarding the use of public lands that result from authority other than part 6290 shall not be affected by the open use designation of this paragraph.

(b) The authorized officer may redesignate any public lands, including those designated as open to off-road vehicle use, at any time hereafter if he/she determines that redesignation is appropriate.

(c) The authorized officer may temporarily close or restrict public use and travel in accordance with the provisions of § 6010.4 of this chapter, even though public lands have been designated or redesignated in accordance with this subpart.

(d) The authorized officer may apply for the withdrawal, reservation or restriction of public lands in accordance with the withdrawal procedures in Part 2350 of this chapter, even though public lands have been designated or redesignated in accordance with this Subpart.

§ 6292.3 Designation criteria.

Designations of restricted and closed areas and trails will be based on the following:

(a) The ability of the land and its resources to withstand and sustain off-road vehicle use impacts.

(b) Consideration of the scenic qualities of the land, and its cultural, ecological, and environmental values.

(c) The need for public use areas for recreation use.

(d) Consideration of off-road vehicle use impacts on other lands, use, and resources.

(e) The potential hazards to public health and safety, other than the normal risks involved in off-road vehicle use.

(f) The existing or potential quality and quantity of recreational experiences available.

(g) Consideration of the need to minimize harassment of wildlife or significant disruption of wildlife habitat.

(h) The furtherance of the purposes and policy of the National Environmental Policy Act of 1969 (42 U.S.C. 4321).

§ 6292.4 Procedures for designation.

(a) *Public participation.* The authorized officer shall to the extent practicable, designate and redesignate areas and trails in conformance with the Bureau of Land Management planning system for the formulation of multiple use management plans. In making designations, he/she will consult with interested user groups, Federal, State, county, and local agencies, local landowners, and other parties in a manner that provides an opportunity for the public to express itself and have those views taken into account. The authorized officer may act independently of the planning system if he/she deems emergency action to close or restrict areas and trails is essential to attain the objectives of the regulations of this part.

(b) *Identification of designated areas and trails.* The authorized officer shall take appropriate measures to identify areas and trails designated as restricted or closed so that the public will be aware of their locations and restrictions applicable thereto. Public notice of such designations shall be given through publication in local newspapers, and copies of such notices shall be available to the public in local Bureau offices. Areas and trails so designated shall be posted appropriately. The authorized officer will make available to the public such other informational material as may be appropriate.

Subpart 6293—Organized Off-Road Vehicle Events

§ 6293.1 Events requiring permits.

No person or association of persons may conduct any race, rally, meet, contest, or other type of organized event involving the use of off-road vehicles, on public lands without first obtaining a permit to do so from the authorized officer pursuant to Subpart 2924 of Part 2920 of this chapter.

Subpart 6294—Management of Off-Road Vehicle Use

§ 6294.1 Effects of use; changes in designations or restrictions.

The authorized officer shall monitor effects of the use of off-road vehicles. On the basis of information so obtained, and whenever he/she deems it necessary to carry out the objectives of this part, he may amend, revise, or revoke any designations made or other actions taken pursuant to the regulations in this part.

Subpart 6295—Operation of Off-Road Vehicles; Vehicle Standards

§ 6295.1 State law applicable; special rules and standards.

(a) Applicable State laws and regulations relating to the use, registration, operation and inspection of off-road vehicles shall apply on public lands.

(b) The authorized officer may establish special rules for the operation of off-road vehicles and special vehicle standards for use on a regional, geographic or operating level applicable to all or any type of off-road vehicle. Notice of such special rules and standards shall be published in the FEDERAL REGISTER, and the public shall be provided the opportunity to comment before adoption.

(c) To the extent that State laws and regulations are lacking or less stringent than the regulations established by this Subpart 6295, the regulations in Subpart 6295 are minimum standards and are controlling.

§ 6295.2 Operating regulations.

No person may operate an off-road vehicle on public lands without a valid operator's license or learner's permit unless accompanied by an adult who has a valid operator's license and who is responsible for the acts of that individual. No person shall operate an off-road vehicle on public lands:

(a) In a reckless, careless, or negligent manner;

(b) In excess of established speed limits;

(c) While under the influence of alcohol or drugs;

(d) In a manner likely to cause excessive damage to or disturbance of the land, wildlife, wildlife habitat, or vegetative resources; or

(e) From a half-hour after sunset to a half-hour before sunrise without lighted headlights and taillights.

§ 6295.3 Vehicle standards.

(a) No off-road vehicle may be operated on public lands unless equipped with proper brakes and muffler in good working condition.

(b) No off-road vehicle equipped with a muffler cutout, bypass, or similar device, or producing excessive noise, may be operated on public lands.

(c) The authorized officer may, by posting appropriate signs or by marking a map which shall be available for public inspection at local Bureau of Land Management offices, indicate those public lands upon which no off-road vehicle may be operated unless equipped with a properly installed spark arrestor that meets and is qualified to either the U.S. Department of Agriculture—Forest Service Standard 5100-1a, or the 80 per cent efficiency level when determined by the appropriate Society of Automotive Engineers (SAE) Recommended Practices J335 or J350, which standards include the requirement that such spark arrestor shall have an efficiency to retain or destroy at least 80 per cent of carbon particles, for all flow rates, and which includes a requirement that such spark arrestor has been warranted by its manufacturer as meeting the above-stated efficiency requirement for at least 1,000 hours subject to normal use, with maintenance and mounting in accordance with the manufacturer's recommendation.

Subpart 6296—Special Regulations [Reserved]

Federal Register

WEDNESDAY, JULY 28, 1976

PART IV:

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

OFF-ROAD VEHICLES

Use on Public Lands

Title 43—Public Lands: Interior

CHAPTER II—BUREAU OF LAND MANAGEMENT

PART 6290—OFF-ROAD VEHICLES

Use on Public Lands

Notice is hereby given that the amendments to the regulations set forth below are proposed by the Secretary of the Interior. These amendments are prepared pursuant to Executive Order 11644, "Use of Off-Road Vehicles on the Public Lands," a court decision and order given May 2, 1975, by the United States District Court for the District of Columbia, and experience gained in administering the original off-road vehicle regulations.

By these amendments public lands administered by the Bureau of Land Management are left undesignated pending evaluation and designation. Areas and trails would be designated as open, closed, or regulated with regard to off-road vehicle use. The designation process described and the criteria for designation set forth in Executive Order 11644 are made a part of the regulations, with the exception that endangered species habitat is to be given special consideration as required by the Endangered Species Act of 1973. All lands administered by the Bureau of Land Management will be designated by the end of 1977, with the exception of primitive areas and natural areas, which by the terms of Executive Order 11644 off-road vehicle use is either prohibited or restricted.

The subparts have been regrouped to make the regulations easier to follow. Certain portions have been rephrased to provide greater clarity and additions have been made to clarify certain aspects of the regulations. For example, headlight and taillight requirements are stated in a more exact manner than before.

Enforcement provisions are added to encompass the enforcement authority of several recently enacted laws, including Title II of the Sikes Act, and the Land and Water Conservation Fund Act, as amended.

In accordance with the Department's policy of public participation in rulemaking (36 FR 8336), interested parties may submit written comments, suggestions, or objections with respect to the proposed amendments to the Director (210), Bureau of Land Management, Washington, D.C. 20240, until October 7, 1976.

Copies of comments, suggestions, or objections made pursuant to this notice will be available for public inspection in the Office of Legislation and Regulatory Management, Bureau of Land Management, Room 5555, Interior Building, Washington, D.C., during regular business hours (7:45–4:15 p.m.).

Chapter II, Title 43, of the Code of Federal Regulations is amended as follows:

1. Part 6290 is revised to read as follows:

Subpart 6290—General

Sec.
6290.0–1 Purpose.
6290.0–2 Objectives.
6290.0–3 Authority.
6290.0–5 Definitions.
6290.0–7 Enforcement.
6290.0–8 Applicability.

Subpart 6291—Conditions of Use of Public Lands

6291.1 Regulations governing use.
6291.2 Special rules.

Subpart 6292—Areas and Trail Designation

6292.1 Designation criteria.
6292.2 Designation procedures.
6292.3 Designation changes.

Subpart 6293—Vehicle Operation

6293.1 Standards.

Subpart 6294—Organized Events

6294.1 Permits.

Subpart 6290—General

§ 6290.0–1 Purpose.

The purpose of this part is to implement Executive Order No. 11644; "Use of Off-Road Vehicles on the Public Lands," of February 8, 1972. (3 CFR P. 332 et seq. (1974)).

§ 6290.0–2 Objectives.

The objectives of these regulations are to provide procedures to control and direct the use of off-road vehicles on public lands to protect the resources of those lands, to promote the safety of all users of those lands, and to minimize conflicts among the various uses of those lands.

§ 6290.0–3 Authority.

The provisions of this part are issued under 43 U.S.C. 2, 1201; 42 U.S.C. 4321; 3 CFR P. 332 et seq. (1974); 16 U.S.C. 1281c; 82 Stat. 919 et seq.; 16 U.S.C. 670g–n; 16 U.S.C. 460 (1–6a); 48 Stat. 1269; 43 U.S.C. 315a–r as amended and supplemented; 50 Stat. 874; 43 U.S.C. 1181 et seq.; 16 U.S.C. 1331–1340; 87 Stat. 884 et seq.

§ 6290.0–5 Definitions.

As used in this part:

(a) "Off-Road Vehicle" means any vehicle capable of, or designed for, travel on or immediately over land, water, or other natural terrain, deriving motive power from any source other than muscle, excluding: (1) any nonamphibious registered motorboat; (2) any military, fire, emergency, law enforcement or other government vehicle while being used for official or emergency purposes; (3) any vehicle whose use is expressly authorized by the authorized officer or otherwise officially approved.

(b) "Public Lands" means any lands the surface of which is administered by the Bureau of Land Management.

(c) "Bureau" means the Bureau of Land Management.

(d) "Authorized Officer" means an employee of the Bureau to whom has been delegated the authority to take actions under this subpart.

(e) "Organized Event" means a structured, or consolidated, or scheduled use of off-road vehicles on the public lands. The term includes nonrecreational vehicles as well as recreational vehicles. The term does not apply to an individual, or an individual's immediate family participating in informal recreational activities.

(f) "Official Use" means use by an employee, agent, or designated representative of the Federal Government or one of its contractors in the course of his employment, agency, or representation.

(g) "Planning System" means the approach provided in Bureau directives and manuals to formulate multiple use plans for the public lands. This approach provides for public participation within the system.

(h) "Open areas and trails" are areas and trails where off-road vehicles may be operated subject to the operating regulations and vehicle standards set forth at subparts 6291.1 and 6293 of this part.

(i) "Regulated areas and trails" are areas and trails where the use of off-road vehicles is subject to restrictions deemed appropriate by the authorized officer. Restrictions may limit the number or types of vehicles allowed, times of use, areas or trails used, and similar matters. Regulated areas and trails may be designated for special or intensive use, including, but not limited to, organized events, and may be subject to, but not limited to, rules set forth at subpart 6291.2.

(j) "Closed areas and trails" are areas and trails where the use of off-road vehicles is permanently or temporarily prohibited.

§ 6290.0–7 Enforcement.

Any person who violates or fails to comply with the regulations of this subpart is subject to arrest and punishment pursuant to appropriate law.

§ 6290.0–8 Applicability.

The regulations in this part apply to all public lands, roads, and trails under administration of the Bureau.

Subpart 6291—Conditions of Use

§ 6291.1 Regulations governing use.

(a) The operation of off-road vehicles is prohibited on those areas and trails designated as closed to off-road vehicle use.

(b) Operators of off-road vehicles on those areas and trails designated as regulated must conform to all terms and conditions of the applicable designation orders.

(c) The operation of off-road vehicles is permitted on those areas and trails designated as open to off-road vehicle use.

(d) Off-road vehicles are prohibited on trails limited to hiking and horseback riding.

(e) Applicable State laws and regulations relating to use, standards, registration, operation, and inspection of off-road vehicles shall apply on public lands. To the extent that State laws and regulations do not exist or are less stringent than the regulations in this part, the regulations in this part are minimum standards and are controlling.

(f) Off-road vehicles operated on the public lands must conform to the vehicle standards set forth in subpart 6293 of this part.

(g) No person may operate on off-road vehicle on public lands without a valid State operator's license or learner's permit unless under the direct supervision of an individual 18 years of age or older who has a valid operator's license and who is responsible for the acts of that person.

(h) No person shall operate an off-road vehicle on public lands:

(1) In a reckless, careless or negligent manner;

(2) In excess of established speed limits;

(3) While under the influence of alcohol, narcotics, or dangerous drugs;

(4) In a manner causing, or likely to cause, excessive damage to or disturbance of the soil, wildlife, wildlife habitat, improvements, cultural, or vegetative resources; and

(5) From a half-hour after sunset to a half-hour before sunrise without lighted headlights and taillights.

(i) Any person who operates an off-road vehicle on public lands must comply with the regulations in this subpart, and in subpart 6291.2 as applicable, while operating such vehicle on public lands.

§ 6291.2 Special rules.

The regulations contained in this subpart are special regulations prescribed for the use of off-road vehicles in specific areas. Such regulations may amend, modify, relax, or make more stringent the regulations contained in subparts 6291.1 and 6293 of this chapter.

The authorized officer may establish rules for the operation of off-road vehicles in specific areas and for special vehicle standards applicable to all or any type of off-road vehicle. Notice of such special rules and standards shall be published in the FEDERAL REGISTER, and the public shall be provided the opportunity to comment before adoption.

Subpart 6292—Designation of Areas and Trails

§ 6292.1 Criteria.

The authorized officer will designate all public lands as either open, regulated, or closed to off-road vehicles, based on the protection of the resources of the public lands, the promotion of the safety of all the users of the public lands, and the minimization of conflicts among various uses of the public lands; and in accordance with the following criteria:

(a) Areas and trails shall be located to minimize damage to soil, watershed, vegetation, or other resources of the public lands.

(b) Areas and trails shall be located to minimiize harrassment of wildlife or significant disruption of wildlife habitats. Special attention will be given to project endangered species and their habitants.

(c) Areas and trails shall be located to minimize conflicts between off-road use and other existing or proposed recreational uses of the same or neighboring public lands, and to ensure the compatibility of such uses with existing conditions in populated areas, taking into account noise and other factors.

(d) Areas and trails shall not be located in officially designated Wilderness Areas or Primitive Areas. Areas and trails shall be located in Natural Areas only if the authorized officer determines that off-road vehicle use in such locations will not adversely affect their natural, aesthetic, or scenic values.

§ 6292.2 Designation procedures.

(a) Public participation. The authorized officer, shall to the extent practical, designate and redesignate areas and trails in conjunction with the Bureau planning system for the formulation of multiple use management plans. Prior to making designations or redesignations, the authorized officer will consult with interested user groups, Federal, State, county and local agencies, local landowners, and other parties in a manner that provides an opportunity for the public to express itself and have those views taken into account.

(b) Identification of designated areas and trails. The authorized officer shall take action by posting and/or other appropriate measures to identify designated areas and trails so that the public will be aware of locations and restrictions applicable thereto. Public notice of designations or redesignations shall be given at the time of designation or redesignation through publication in the FEDERAL REGISTER and local news media. Copies of such notices shall be available to the public in local Bureau Offices for a period of one year following publication. The authorized officer will make available to the public other informational material as may be appropriate.

§ 6292.3 Designation changes.

(a) Monitoring use. The authorized officer will monitor effects of the use of off-road vehicles. On the basis of information so obtained, and whenever the authorized officer deems it necessary to carry out the objectives of this part, designations may be amended, revised, revoked, or other actions taken pursuant to the regulations in this part.

(b) Temporary action. The authorized officer may temporarily close or restrict public use and travel in accordance with the provisions of § 6010.4 of this chapter as to public lands which have been designated or redesignated in accordance with this subpart, and as to public lands which have not been designated.

(c) The authorized officer may apply for the withdrawal, reservation, or restriction of public lands in accordance with the withdrawal procedures in Part 2350 of this chapter, even though public lands have been designated or redesignated in accordance with this subpart.

Subpart 6293—Vehicle Operations

§ 6293.1 Standards.

(a) No off-road vehicle may be operated on public lands unless equipped with brakes in good working condition.

(b) No off-road vehicle equipped with a muffler cutout, bypass or similar device, or producing excessive noise exceeding Environmental Protection Agency standards, may be operated on public lands.

(c) The authorized officer may, by posting appropriate signs or by marking a map which shall be available for public inspection at local Bureau Offices, indicate those public lands upon which no off-road vehicle may be operated unless equipped with a properly installed spark arrestor that meets and is qualified to either the U.S. Department of Agriculture—Forest Service Standard 5100-1a, or the 80 percent efficiency level when determined by the appropriate Society of Automotive Engineers (SAE) Recommended Practices J335 or J350, which standards include the requirement that such spark arrestor shall have an efficiency to retain or destroy at least 80 percent of carbon particles for all flow rates, and which includes a requirement that such spark arrestor has been warranted by its manufacturer as meeting such requirement for at least 1,000 hours subject to normal use, with maintenance and mounting in accordance with the manufacturer's recommendation.

(d) Vehicles operating during the time specified in § 6291.1(h) will comply with the following: (1) Headlights shall be of sufficient power to illuminate an object at 300 feet at night under normal, clear atmospheric conditions. Two or three wheeled vehicles or single tracked vehicles will have a minimum of one headlight. Vehicles having four or more wheels or more than a single track will have a minimum of two headlights, except double tracked snowmachines with a maximum capacity of two people may have only one headlight. (2) Red taillights capable of being seen at a distance of 500 feet from the rear at night under normal, clear atmospheric conditions are required on vehicles in the same numbers as headlights.

Supart 6294—Organized Events

§ 6294.1 Permits.

No person or association of persons may conduct any rally, meet, or other type of organized event, involving the use of 25 or more off-road vehicles, on public lands without first obtaining a permit to do so from the authorized officer pursuant to part 2920 or subpart 6263 of this chapter as appropriate.

CHRIS FARRAND,
Deputy Assistant Secretary of the Interior.

JULY 23, 1976.

[FR Doc.76-21775 Filed 7-27-76;8:45 am]

64-42-1. Short title.—This act [64-42-1 to 64-42-16] may be cited as the "Off-Highway Motorcycle Act."

History: Laws 1975, ch. 240, § 1.

64-42-2. Definitions.—As used in the Off-Highway Motorcycle Act [64-42-1 to 64-42-16]:

A. "department" means the department of motor vehicles;

B. "motorcycle" or "off-highway motorcycle" means any motorcycle operated or used exclusively off the highways of this state;

C. "operator" means any person who operates or is in actual physical control of an off-highway motorcycle; and

D. "owner" means any person, other than a lien holder, having title by a bill of sale or other proof of ownership of an off-highway motorcycle.

History: Laws 1975, ch. 240, § 2.

64-42-3. Off-highway motorcycles — Registration. — A. Unless exempted from the provisions of the Off-Highway Motorcycle Act [64-42-1 to 64-42-16], no person shall operate a motorcycle which is to be operated or used exclusively off the highways of this state unless the motorcycle has been registered in accordance with the Off-Highway Motorcycle Act and the regulations of the department adopted pursuant thereto.

B. Application for registration and certificate of title shall be made as provided in subsections A through C of section 64-3-3 NMSA 1953. Upon receipt of an application for an original registration of the motorcycle or for any certificate of title, the department shall make such examination of records and indexes as provided in section 64-3-7 NMSA 1953, and registration indexes shall be kept and maintained for such motorcycles in the manner provided in section 64-3-8 NMSA 1953. The department shall issue evidence of registration and a certificate of title for such motorcycles as provided in sections 64-3-9(1) and 64-3-9(2) NMSA 1953.

C. Upon receipt of the registration certificate, the owner of an off-highway motorcycle shall affix the registration plate or decal on the motorcycle as prescribed by the regulations adopted by the department.

History: Laws 1975, ch. 240, § 3.

64-42-4. Registration fees.—A. The fee for registration of an off-highway motorcycle is two dollars fifty cents ($2.50) for each motorcycle, and the registration shall be good for two [2] years after the year in which the motorcycle is registered. Each registration must be renewed every three [3] years to be valid.

B. Upon a change of ownership, the new owner must make application and pay a registration fee of two dollars fifty cents ($2.50) in the same manner as provided by regulations of the department for original registration.

C. Duplicate certificates of registration shall be issued upon payment of a one dollar ($1.00) fee.

History: Laws 1975, ch. 240, § 4.

64-42-5. Exemptions from registration.—The provisions of the Off-Highway Motorcycle Act [64-42-1 to 64-42-16] for registration shall not apply to off-highway motorcycles:

A. owned and operated by any agency or department of the United States, the state of New Mexico or any political subdivision of the state;

B. operated exclusively on lands privately held by the motorcycle owner;

C. owned by nonresidents of New Mexico; Provided that the use in this state shall not exceed fifteen [15] days, and Provided further, that the use is not on a rental basis;

D. brought into this state by manufacturers or distributors for wholesale purposes and are not used for demonstrations; or

E. are in the possession of dealers as stock-in-trade, and are not used for demonstration purposes.

History: Laws 1975, ch. 240, § 5.

64-42-6. Grounds for refusing registration or certificate of title.—The department may refuse registration or issuance of a certificate of title or any transfer of registration upon the grounds that:

A. the application contains any false or fraudulent statement or that the applicant has failed to furnish the required information or reasonable additional information requested by the department or that the applicant is not entitled to the issuance of a certificate of title or registration of the vehicle under the Motor Vehicle Code or laws of New Mexico;

B. the department has reasonable ground to believe that the motorcycle is a stolen or embezzled vehicle or that the granting of registration or the issuance of a certificate of title would constitute a fraud against the rightful owner or other person having a valid lien upon the vehicle;

C. the required fee has not been paid; or

D. the motor vehicle excise tax has not been paid.

History: Laws 1975, ch. 240, § 6.

NEW MEXICO
GAME AND FISH LAWS
AND
CERTAIN RELATED LAWS

FROM NEW MEXICO

STATUTES ANNOTATED

1953 COMPILATION

NEW MEXICO

DEPARTMENT OF GAME AND FISH

STATE CAPITOL

SANTA FE, NEW MEXICO

Art. 6. Habitat Protection Act

Sec. 1. Short title
Sec. 2. Definitions
Sec. 3. Restrictions on motor vehicle use—Recommendations—Rules and regulations
Sec. 4. Notices of restrictions—Posting—Publication
Sec. 5. Prohibition against vehicle travel
Sec. 6. Exceptions
Sec. 7. Expenditure of funds—Functions
Sec. 8. Limitation of liability of landowners
Sec. 9. Enforcement
Sec. 10. Commission of Public Lands exempt
Sec. 11. Violations—Penalty

ARTICLE 6

53-6-1. SHORT TITLE.

This act [*53-6-1* to *53-6-11*] may be cited as the "Habitat protection Act."

53-6-2. DEFINITIONS.

As used in the Habitat Protection Act:

A. "commission" means the state game commission;

B. "cross-country" means travel over the countryside other than by road;

C. "vehicle" means any motor-powered mechanical divice used for conveyance; and

D. "road" means any maintained or unmaintained right-of-way that has been utilized by the public and included roads, streets, highways and state scenic, recreation or historical trails.

53-6-3. Restrictions on motor vehicle use— Recommendations — Rules and regulations.—

A. When the commission determines that the operation of vehicles within a certain area is or may be damaging to wildlife reproduction, wildlife management or the wildlife habitat of the area, the department, with the concurrence of the private land owner or the land management agency involved, after proper notice, shall hold public meetings in the area affected, on the necessity and desirability of closing such lands to the operation of any vehicles for a stated definite period. Upon finding, after public meetings, that the use of vehicles on such lands is or may be damaging to wildlife reproduction or habitat and that it is necessary and desirable to close such lands to vehicles in order to avoid such damage, the commission shall make and publish an order closing such lands to vehicle operation except on established roads that are marked by appropriate signs.

B. The commission may also recommend to the appropriate land management agency or the legislature that particular areas of land be set aside or made available for recreational vehicles.

C. The commission may also enter into agreements with or recommend to public land management agencies that certain areas be closed to camping during particular open hunting seasons or that camping be permitted only in designated areas during such open hunting seasons.

D. The commission may enter into agreements with private land owners and land management agencies controlling areas that the commission has made recommendations on pursuant to Subsection B of this section. Any agreement shall stipulate the restrictions, prohibitions and permitted uses of vehicles in such area and the duties of the commission and such private land owner or land management agency relating to the enforcement of the terms of such agreement. Aggreements with private land owners may also include provisions for sharing costs of performing any of the functions as set forth in Section 53-5-7 NMSA 1953.

E. The commission shall adopt and file, in accordance with the State Rules Act, rules and regulations necessary to carry out the provisions of the Habitat Protection Act, including regulations setting out procedures for hearings and notice."

53-6-4. NOTICES OF RESTRICTIONS—POSTING—PUBLICATION.

A. For all areas closed to vehicles pursuant to Section *53-6-3*NMSA *1953*, the commission shall cause notices of the restrictions, prohibitions or permitted uses of such areas to be posted prior to their effective date on the main traveled roads entering such areas and at such other locations as the commission deems appropriate.

B. In addition to the public meetings required by Section *53-6-3* NMSA *1953* and posted notices required by Subsection A of this section. The commission shall publish a notice of such restrictions, prohibitions or permitted uses, together with a description of the area, in a newspaper of general circulation in the area of the state affected, for three consecutive weeks prior to the effective date of such restrictions, prohibition or permitted uses. Copies of the notices of restrictions, prohibitions or permitted uses together with a description or appropriate map of the area affected by the notices shall be made available to the public by the commission.

53-6-5. Prohibition against vehicle travel.—

It is unlawful for any person to drive a vehicle cross-country on lands where such cross-country driving is prohibited by rule or regulation. Conservation officers may issue citations to and may arrest any person violating the provisions of this section."

53-6-6. EXCEPTIONS.

The restrictions, prohibitions or permitted uses established pursuant to the Habitat Protection Act to not apply to:

A. public employees acting in the scope of their employment;

B. valid licensees, permittees, lessees or their assignees or designees, of state agencies or public land management agencies, when traveling in the areas or for the specific purposes for which such licenses, permits, leases, assignments or designations were issued or granted; and

C. emergency situations such as fire or other disasters, or where necessary to protect life or property.

53-6-7. EXPENDITURE OF FUNDS—FUNCTIONS.

The commission may expend such funds as become available from the game protection fund, state or federal grants or other sources to carry out the provisions of the Habitat Protection Act including, but not limited to:

A. investigations and surveys of actual or possible wildlife habitat damage by vehicles and the study of areas to be recommended for recreational vehicle use;

B. posting notices of restrictions, probihitions and permitted use of vehicles;

C. providing maps and other necessary information to the public;

D. an informational and educational program on wildlife habitat preservation and restoration; or

E. the enforcement of the provisions of the Habitat Protection Act.

53-6-8. LIMITATION OF LIABILITY ON LANDOWNERS.

No person or corporation, or their successors in interest, who has granted a right-of-way or easement across his land to the commission for use under the Habitat Protection Act shall be liable to any user of the land for injuries suffered on said right-of-way or easement unless the injuries are caused by the willful or wanton misconduct of the grantor.

53-6-9. ENFORCEMENT.

All peace officers of the state, counties and municipalities and other duly authorized state authorities shall enforce the provisions of the Habitat Protection Act.

53-6-10. COMMISSIONER OF PUBLIC LANDS EXEMPT.

Nothing contained in the Habitat Protection Act shall alter, change, restrict, or diminish the rights, powers and duties of the commissioner of public lands in the administration, management, care and control of state trust lands as provided for by the Enabling Act and other applicable state statutes.

53-6-11. VIOLATIONS—PENALTY.

Any person who violates any provision of the Habitat Protection Act or any rule or regulation adopted pursuant thereto is guilty of a misdemeanor.

EXECUTIVE ORDER 11644

Use of Off-Road Vehicles on the Public Lands

An estimated 5 million off-road recreational vehicles—motorcycles, minibikes, trail bikes, snowmobiles, dune-buggies, all-terrain vehicles, and others—are in use in the United States today, and their popularity continues to increase rapidly. The widespread use of such vehicles on the public lands—often for legitimate purposes but also in frequent conflict with wise land and resource management practices, environmental values, and other types of recreational activity—has demonstrated the need for a unified Federal policy toward the use of such vehicles on the public lands.

NOW, THEREFORE, by virtue of the authority vested in me as President of the United States by the Constitution of the United States and in furtherance of the purpose and policy of the National Environmental Policy Act of 1969 (42 U.S.C. 4321), it is hereby ordered as follows:

SECTION 1. *Purpose.* It is the purpose of this order to establish policies and provide for procedures that will ensure that the use of off-road vehicles on public lands will be controlled and directed so as to protect the resources of those lands, to promote the safety of all users of those lands, and to minimize conflicts among the various uses of those lands.

SEC. 2. *Definitions.* As used in this order, the term:

(1) "public lands" means (A) all lands under the custody and control of the Secretary of the Interior and the Secretary of Agriculture, except Indian lands, (B) lands under the custody and control of the Tennessee Valley Authority that are situated in western Kentucky and Tennessee and are designated as "Land Between the Lakes," and (C) lands under the custody and control of the Secretary of Defense;

(2) "respective agency head" means the Secretary of the Interior, the Secretary of Defense, the Secretary of Agriculture, and the Board of Directors of the Tennessee Valley Authority, with respect to public lands under the custody and control of each;

(3) "off-road vehicle" means any motorized vehicle designed for or capable of cross-country travel on or immediately over land, water, sand, snow, ice, marsh, swampland, or other natural terrain; except that such term excludes (A) any registered motorboat, (B) any military, fire, emergency, or law enforcement vehicle when used for emergency purposes, and (C) any vehicle whose use is expressly authorized by the respective agency head under a permit, lease, license, or contract; and

(4) "official use" means use by an employee, agent, or designated representative of the Federal Government or one of its contractors in the course of his employment, agency, or representation.

SEC. 3. *Zones of Use.* (a) Each respective agency head shall develop and issue regulations and administrative instructions, within six months of the date of this order, to provide for administrative designation of the specific areas and trails on public lands on which the use of off-road vehicles may be permitted, and areas in which the use of off-road vehicles may not be permitted, and set a date by which such designation of all public lands shall be completed. Those regulations shall direct that the designation of such areas and trails will be based upon the protection of the resources of the public lands, promotion of the safety of all users of those lands, and minimization of conflicts among the various uses of those lands. The regulations shall further require that the designation of such areas and trails shall be in accordance with the following—

(1) Areas and trails shall be located to minimize damage to soil, watershed, vegetation, or other resources of the public lands.

(2) Areas and trails shall be located to minimize harassment of wildlife or significant disruption of wildlife habitats.

(3) Areas and trails shall be located to minimize conflicts between off-road vehicle use and other existing or proposed recreational uses of the same or neighboring public lands, and to ensure the compatibility of such uses with existing conditions in populated areas, taking into account noise and other factors.

(4) Areas and trails shall not be located in officially designated Wilderness Areas or Primitive Areas. Areas and trails shall be located in areas of the National Park system, Natural Areas, or National Wildlife Refuges and Game Ranges only if the respective agency head determines that off-road vehicle use in such locations will not adversely affect their natural, aesthetic, or scenic values.

(b) The respective agency head shall ensure adequate opportunity for public participation in the promulgation of such regulations and in the designation of areas and trails under this section.

(c) The limitations on off-road vehicle use imposed under this section shall not apply to official use.

SEC. 4. *Operating Conditions.* Each respective agency head shall develop and publish, within one year of the date of this order, regulations prescribing operating conditions for off-road vehicles on the public lands. These regulations shall be directed at protecting resource values, preserving public health, safety, and welfare, and minimizing use conflicts.

SEC. 5. *Public Information.* The respective agency head shall ensure that areas and trails where off-road vehicle use is permitted are well marked and shall provide for the publication and distribution of information, including maps, describing such areas and trails and explaining the conditions on vehicle use. He shall seek cooperation of relevant State agencies in the dissemination of this information.

SEC. 6. *Enforcement.* The respective agency head shall, where authorized by law, prescribe appropriate penalties for violation of regulations adopted pursuant to this order, and shall establish procedures for the enforcement of those regulations. To the extent permitted by law, he may enter into agreements with State or local governmental agencies for cooperative enforcement of laws and regulations relating to off-road vehicle use.

SEC. 7. *Consultation.* Before issuing the regulations or administrative instructions required by this order or designating areas or trails as required by this order and those regulations and administrative instructions, the Secretary of the Interior shall, as appropriate, consult with the Atomic Energy Commission.

SEC. 8. *Monitoring of Effects and Review.* (a) The respective agency head shall monitor the effects of the use of off-road vehicles on lands under their jurisdictions. On the basis of the information gathered, they shall from time to time amend or rescind designations of areas or other actions taken pursuant to this order as necessary to further the policy of this order.

(b) The Council on Environmental Quality shall maintain a continuing review of the implementation of this order.

Richard Nixon

THE WHITE HOUSE,
February 8, 1972.

[FR Doc.72-2031 Filed 2-8-72; 12:29 pm]

THE WHITE HOUSE

EXECUTIVE ORDER

OFF-ROAD VEHICLES ON PUBLIC LANDS

By virtue of the authority vested in me by the Constitution and statutes of the United States of America, and as President of the United States of America, in order to clarify agency authority to define zones of use by off-road vehicles on public lands, in furtherance of the National Environmental Policy Act of 1969, as amended (42 U.S.C. 4321 et seq.). Executive Order No. 11644 of February 8, 1972, is hereby amended as follows:

Section 1. Clause (B) of Section 2(3) of Executive Order No. 11644, setting forth an exclusion from the definition of off-road vehicles, is amended to read "(B) any fire, military, emergency or law enforcement vehicle when used for emergency purposes, and any combat or combat support vehicle when used for national defense purposes, and".

Sec. 2. Add the following new Section to Executive Order No. 11644:

"Sec. 9. Special Protection of the Public Lands. (a) Notwithstanding the provisions of Section 3 of this Order, the respective agency head shall, whenever he determines that the use of off-road vehicles will cause or is causing considerable adverse effects on the soil, vegetation, wildlife, wildlife habitat or cultural or historic resources of particular areas or trails of the public lands, immediately close such areas or trails to the type of off-road vehicle causing such effects, until such time as he determines that such adverse effects have been eliminated and that measures have been implemented to prevent future recurrence.

"(b) Each respective agency head is authorized to adopt the policy that portions of the public lands within his jurisdiction shall be closed to use by off-road vehicles except those areas or trails which are suitable and specifically designated as open to such use pursuant to Section 3 of this Order.".

JIMMY CARTER

THE WHITE HOUSE,

May 24, 1977

IN REPLY REFER TO:

United States Department of the Interior

6290 (370)

BUREAU OF LAND MANAGEMENT
WASHINGTON, D.C. 20240

BLM

July 15, 1977

AUG 9'77

Instruction Memorandum No. 77-361
Expires: 12/31/77

To: AFO's

From: Director

Subject: Amendments to Executive Order 11644, "Use of Off-Road Vehicles (ORV) on Public Lands

DM		
ADM		
RM	✓	ka
O-R		
VS		
LC-L		

ACTION ✓ — INFO

leading

The following analysis and instructions pertain to the amendments to Executive Order (EO) 11644 issued by the President on May 24, 1977, and published in the Federal Register on May 25, 1977. The EO parts are given in the boxes below:

EXECUTIVE ORDER

OFF-ROAD VEHICLES ON PUBLIC LANDS

By virtue of the authority vested in me by the Constitution and statutes of the United States of America, and as President of the United States of America, in order to clarify agency authority to define zones of use by off-road vehicles on public lands, in furtherance of the National Environmental Policy Act of 1969, as amended (42 U.S.C. 4321 et seq.), Executive Order No. 11644 of February 8, 1972, is hereby amended as follows:

Section 1. Clause (B) of Section 2(3) of Executive Order No. 11644, setting forth an exclusion from the definition of off-road vehicles, is amended to read "(B) any fire, military, emergency or law enforcement vehicle when used for emergency purposes or law enforcement vehicle when used for emergency purposes, and any combat or combat support vehicle when used for national defense purposes, and".

Section 1. The Bureau cannot regulate the use of combat vehicles and their support in times of national defense emergencies. This language removes any doubt of this.

Sec. 2. Add the following new Section to Executive Order No. 11644:

"Sec. 9. Special Protection of the Public Lands. (a) Notwithstanding the provisions of Section 3 of this Order, the respective agency head shall, whenever he determines that the use of off-road vehicles will cause or is causing considerable adverse effects on the soil, vegetation, wildlife, wildlife habitat or cultural or historic resources of particular areas or trails of the public lands, immediately close such areas or trails to the type of off-road vehicle causing such effects, until such time as he determines that such adverse effects have been eliminated and that measures have been implemented to prevent future recurrence."

Section 2 establishes a new section 9 in EO 11644. Section 9 is in two parts: (a) and (b). Section 9(a) requires closure or restriction of an area despite any designation made under section 3 of EO 11644 when it is determined that ORV use will cause or is causing considerable adverse effects. However, there must be a clear showing, not merely suspicion, that the use of ORV's will, in fact, have a considerable adverse impact. When these conditions prevail, immediate closure or restriction must be made. Restrictions may be made for a specific type of vehicle causing the adverse effects. Under section 9(a), closure or restriction may be made without public participation, and the closure or restriction may be rescinded without public participation. This is generally in line with authority contained in 43 CFR 6010.4 at the present time.

In any case, ample public notice will be given of the action to be taken or the actual action taken, as is appropriate, and all feasible action should be taken to mitigate the adverse effects.

The key words in section 9(a) are "considerable adverse effects." While it is difficult to define this term precisely, it does not include ephemeral impacts of short duration and small area which do not effect endangered species, critical soils, or life cycles of flora and fauna. However, degredation in any degree of a significant cultural site shall be considered a "considerable adverse effect." For Bureau purposes, section 9(a) is a tool to be used to protect areas, when they need protecting, until they can be processed through the planning system and given a proper designation, and for emergencies such as fire, flooding, unusually deep snow (for wildlife protection), etc.

"(b) Each respective agency head is authorized to adopt the policy that portions of the public lands within his jurisdiction shall be closed to use by off-road vehicles except those areas or trails which are suitable and specifically designated as open to such use pursuant to Section 3 of this Order."

trails to the true
until such time as
been eliminated and

The Secretary has interpreted this to mean limited areas shall be closed. There have been no new criteria or guidelines given, and, we, therefore, interpret this to mean that the criteria contained in section 3 of EO 11644 would be applied, as well as certain provisions of the Federal Land Policy and Management Act, which would include fragile areas, areas of critical environmental concern, significant cultural areas, areas with endangered species, and other areas needing protection prior to designation.

These amendments to EO 11644 reinforce the direction and practices for protection that the Bureau has already taken and gives emphasis to the need to protect significant and critical areas. Until the ORV regulations are published incorporating these mandates, protective actions can and will continue to be taken under 43 CFR 6010.3, 6010.4, and 6250.0-6(b) and (c).

Enclosed for your information is a press release giving the Secretary's views on this matter.

George C. Turnbull
Acting

1 Enclosure
Encl. 1 - Department of the Interior News Release

21

DEPARTMENT of the INTERIOR

OFFICE OF THE SECRETARY

news release

For Release May 26, 1977

INTERIOR SECRETARY SAYS OFF-ROAD VEHICLE USE WILL CONTINUE

Secretary of the Interior Cecil D. Andrus said today that the new Executive Order governing off-road vehicles on Federal lands will be applied to fragile areas which are actually threatened with serious damage.

"As we have said several times now, it does not amount to anything resembling a general ban against the use of off-road vehicles on Federal lands," he said, "and we have no intention of exceeding the scope of its limited intent."

He said much would depend on the voluntary actions of off-road vehicle users, who, he said, could prevent many problems by respect for land and its resources.

The Executive Order authorizes the heads of Federal land managing agencies to close off "particular areas or trails" where use of off-road vehicles "will cause or is causing considerable adverse effects on the soil, vegetation, wildlife, wildlife habitat or cultural or historic resources."

Andrus also noted the Executive Order's reference to "the type of off-road vehicle causing such effects," which clearly indicates that types of vehicles doing no harm will not be affected.

"Further, there is no new broad grant of authority to close off large blocks of land," the Secretary said. "The agency head can close off 'portions' of the lands his agency manages, and we interpret that to mean limited areas."

The Interior Department, he said, will continue to protect the resources of the lands it manages, using its authority at times and places where it becomes clearly necessary.

Some 80,000 concerned citizens have written to the White House and the Interior Department this spring expressing concern that the new Executive Order would result in a general ban against off-road vehicle use on Federal lands.

The Secretary urged off-road vehicle user organizations to spread the word about the actual language and intent of the order. He also expressed hope that user groups and the industries producing off-road vehicles would take part in public discussions leading to planning the uses of Federal lands, educate their members about the issues, develop and enforce good codes of conduct, and cooperate with Federal land managers on the ground.

"These are everyone's lands, and their public values must survive to be used and enjoyed by future generations," he said.

Andrus added that he will continue to oppose the idea of the Department adopting a system of individual vehicle permits for off-road use on public domain lands. Group permits will be required for special events as in the past, he said.

x x x

INT: 3556-77

Encl. 1

APPENDIX 7

LAS CRUCES DISTRICT
ORV DESIGNATION

DISTRICT OBJECTIVE:

Planning Unit	Acreage	*FY Completion Date
Las Uvas	1,042,000	79
Caballo	983,000	79
Organ Mnts.	131,000	79
Mesa	715,000	81
Alamogordo	436,000	81
McGregor	515,000	81
Gila	628,000	83
Hermanas	906,000	83
Grant	93,000	83
Total (9)	5,449,000	

* Coordinated with Range ES

APPENDIX 8

Area ORV Organizations

Prairie Dawg Motorcycle Club
Alamogordo, NM 88310

Otero County Riders Association
Alamogordo, NM 88310

Truth or Consequences Off-Road Association
Truth or Consequences, NM 87901

Roadrunner Racing Association
Las Cruces, NM 88001

Las Cruces Motorcycle Club
Mesilla Park, NM 88047

Las Cruces Jeep Club
Las Cruces, NM 88001

El Paso 4x4 Club
El Paso, Tx 79922

APPENDIX 9

6260–4
1975)

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

FORM APPROVED
OMB NO. 42–R1730

OFFICE USE ONLY

Permit Number
NM-030-Misc-77-2

SPECIAL RECREATION USE APPLICATION AND PERMIT
(Short Form)

Instructions: File in duplicate. One copy to applicant, retain other in BLM office.

APPLICATION

1. Name of person making application
Prairie Dawg Motorcycle Club

Address *(include zip code)*
c/o Ted Harrington
P. O. Box 1192
Alamogordo, N.M. 88310

2. Name of Organization
Prairie Dawg Motorcycle Club

Address *(include zip code)*
Same as above

Telephone number *(include area code)*
505-437-4150

3. Give number of participants 300 spectators 500

4. Give name(s) or describe area(s) to be used *(attach acceptable map, if needed)*

T. 19S., R. 8E., Sec. 25, 26, 27, 28, & 33
T. 19S., R. 9E., Sec. 27, 28, 29, 30, & 34
T. 20S., R. 8E., Sec. 4, 9, 10, 11, and 12
T. 20S., R. 9E., Sec. 3, 7, 8, 9, 10, 17
NMPM New Mexico Otero County

A 50 ft corridor through these sections.

5. What are lands to be used for?

Cross-country motorcycle racing event
See attached stipulations.
Stipulation #18 specifies fees to be paid.
Stipulation #2 covers bonding.

Date(s) of use
6:00 AM, Feb 00,1977
to 9:00 PM, Feb 20,1977

6. Describe type of transportation and/or equipment involved in this activity ☐ hiking ☐ boat ☐ animal
☒ vehicle *(wheels)* ☐ vehicle *(track)*

I CERTIFY That the information given by me in this application is true, complete, and correct to the best of my knowledge and belief and is given in good faith. I also certify that recreational use applied for is not for the purpose of business or financial gain.

See previous application dated Oct 4, 1976

(Signature of Applicant) (Date)

Title 18 U.S.C. Section 1001, makes it a crime for any person knowingly and willfully to make to any department or agency of the United States any false, fictitious, or fraudulent statements or representations as to any matter within its jurisdiction.

5. What are lands to be used for?

Cross-country motorcycle racing event
See attached stipulations.
Stipulation #18 specifies fees to be paid.
Stipulation #2 covers bonding.

Date(s) of use

6:00 AM, Feb 00,1977
to 9:00 PM, Feb 20,1977

6. Describe type of transportation and/or equipment involved in this activity ☐ hiking ☐ boat ☐ animal
☒ vehicle *(wheels)* ☐ vehicle *(track)*

I CERTIFY That the information given by me in this application is true, complete, and correct to the best of my knowledge and belief and is given in good faith. I also certify that recreational use applied for is not for the purpose of business or financial gain.

see previous application dated Oct 4, 1976

(Signature of Applicant) (Date)

Title 18 U.S.C. Section 1001, makes it a crime for any person knowingly and willfully to make to any department or agency of the United States any false, fictitious, or fraudulent statements or representations as to any matter within its jurisdiction.

PERMIT

Permit No. NM-030-Misc.77-2

sion is hereby granted to

of Prairie Dawg Motorcycle Club,Alamogordo, N.M.

to use the following-described lands: T. 19S., R. 8E., Sec. 25, 26, 27, 28, & 33, T. 19S., R. 9E., ec. 27, 28, 29, 30, & 34, T. 20S., R. 8E., Sec. 4, 9, 10, 11, & 12, T. 20S., R. 9E.,
for the purpose of Sec. 3, 7, 8, 9, 10 & 17., NMPM.
cross-country motorcycle racing event.

and subject to the conditions on reverse side.

Special conditions

Stipulations attached.

Authorized Officer's comments

Fees will be 5% of the gross receipts of the event, or $1 per rider, whichever is greater. The fee will be determined after the fact, based on the post-use questionaire. (over)

Permit issued for period 0600 AM 20 Feb 1977 to 0900 PM Feb. 20 1977

From

To

Authorized Officer

Title Area Manager, White Sands Resource Area

Date Feb 10, 1977

SPECIAL STIPULATIONS

1. This permit is issued for the period specified herein. It is revocable for any breach of conditions hereof or at the discretion of the authorized officer of the Bureau of Land Management, at any time upon notice, if in his judgment the land should be devoted to another use. This permit is subject to valid adverse claims heretofore or hereafter acquired.

2. This permit is subject to all applicable provisions of the regulations (43 CFR 18 and/or 43 CFR 6200) which are made a part hereof.

3. This permit is subject to the provisions of Executive Order No. 11246 of September 24, 1965, as amended, which sets forth the Equal Opportunity clauses. A copy of this order may be obtained from the signing officer.

4. This permit may not be

7. Permittee shall take all reasonable precautions to prevent and suppress forest, brush, and grass fire and to prevent pollution of waters on or in vicinity of the lands.

8. Permittee shall not enclose roads or trails commonly in public use.

9. Permittee shall pay the United States for any damage to its property resulting from this use.

10. Permittee shall notify the authorized officer of address change immediately.

11. Permittee shall not cut any timber on the lands without prior written permission from the authorized officer.

12. Permittee shall indemnify, defend, and hold harmless

USE QUESTIONNAIRE | TYPE OR PRINT

PART A – PERMITTEE COMPLETES

What type of transportation was used? ☐ Hiking ☒ Vehicle ☐ Boat ☐ Animal ☐ Other *(specify)*

Give type and purpose of event: Motorcycle Cross-Country Race

T-Shirts #390 cc

3. NUMBER 1000?		4. FEES CHARGED PER		5. Gross receipts *(include all receipts)*
PARTICIPANTS	SPECTATORS	PARTICIPANT	SPECTATOR	
302	Not Solicited	$13, 18 & 23	$ None	$6053.00

6. Have all permit stipulations, including litter cleanup, rehabilitation of resource damages, removal of course markers, etc., satisfied? ☒ Yes ☐ No *(If "no," explain)*

7. Describe all accidents *(include injuries, deaths, property damage, etc.)*

1 Ankle injury reported by Miss Sandy Johnson of Albq. No other major injuries reported.

8. Describe any problems such as crowd control, crimes, management, etc.

Crowd control-(Fair), No Crimes Reported, Management, (Fair). In past events the fenced enclosure of Mr. Holcomb's was a difinite advantage in crowd control.

9. Describe any hazards in area *(open mine shafts, etc.)*

No hazards

10. Evaluate suitability of location, permit procedures, etc.

Location is excellent. The course has been over-used, and needs a rest! Permits and Blm people are most co-operative, but a change is needed.

11. Name of person submitting information	Address *(include zip code)*	Telephone *(include area code)*
Ted Harrington	P.O. Drawer BB Alamogordo 88310	(505) 437-4150
12. Signature: Ted Harrington	Title: Member, Prairie Dawgs M/C	Date: 3-7-77

Title 18 U.S.C. Section 1001, makes it a crime for any person knowingly and wilfully to make to any department or agency of the United States any false, fictitious, or fraudulent statements or representations as to any matter within its jurisdiction.

PART B – BLM USE ONLY

	YES	NO
1. Completed field compliance check ~~within~~/without permittee *(date)* 3/16/77	✓	
2. Permittee has met all obligations — Enclosed is check for $302.00	✓	
3. Fees paid	✓	
4. Bond released	✓	
5. Insurance released	✓	

6. Fees computed (a) Gross receipts $ _____ (b) Participant days $ 302
(c) User days $ _____ (d) Other $ _____

Remarks

Signature of Authorized Officer: John R. Calkins Area Mgr. Date: 3/21/77

GPO 837-057

STIPULATIONS FOR:

1. If any affiliate not named on the Special Recreation Use Permit Application participates in sponsorship, management, or conduct of the event, the permit shall be null and void.

2. The permittee must pay the United States a Recreation Use Fee of 5 percent of gross receipts of the event (income from the operation of the event before deducting costs such as prizes, taxes, insurance, etc., and to include income from participant and spectator fees, food and beverage concessions, etc.); or $1.00 per rider, whichever is greater. This Recreation Use Fee will be prorated on the percent of the course traversing public land.

3. The permittee shall guarantee the faithful performance of all terms and conditions of this permit, including the payment of the recreation use fees required. The guarantee shall be secured by an undertaking signed by two qualified members of the sponsoring club, and will be in the amount of $ 500.00. In addition, a notarized affidavit of qualification will be signed by each person signing the undertaking and will be presented to the District Manager, Las Cruces District Office Bureau of Land Management, along with the undertaking.

4. The permittee is required to maintain comprehensive liability insurance covering its operations under the permit, insuring the United States in the following minimum amounts:

   a. $ 100,000 for bodily injury to any one person and $ 300,000 for any one occurrence.

   b. $ 10,000 for property damage for any one occurrence.

   c. The insurer shall agree to give the United States 10 days notice prior to cancellation or modification of such insurance.

   d. The permittee shall provide a copy of the actual insurance policy to the District Manager.

5. If the permittee does not attend the event himself, he will notify the District Manager of his substitute's name and planned headquarters for the event.

6. The permittee shall obtain the services of a fully equipped and trained first aid and rescue organization. This organization shall provide for, but not be limited to:

   a. All necessary first aid, retrieval, and evacuation for any injured person at any point along the entire course.

b. Two-way radio communications.

c. The coordination of the removal of disabled vehicles and their riders from the course.

7. The permittee agrees to take the responsibility for public safety and health during any phase of this event, including but not limited to those special conditions listed herein.

8. The permittee will distribute written instructions subject to BLM review or will hold a pre-race briefing at the site to inform participants of routes, regulations, safety procedures, and other necessary directives. The permittee assumes responsibility for riders and pit crew compliance to event instructions.

9. It shall be the responsibility of the permittee to confine participating vehicles to the marked course and to limit spectators and support vehicles to the marked and identified areas.

10. The permittee will provide at least 10 course marshals to be placed at strategic locations in order to insure participant and spectator safety, resource protection, traffic and crowd control, and adherence to the marked course.

11. The entire course route will be clearly marked and flagged by the permittee under the supervision of the Bureau of Land Management. The course will be marked on an average of at least 5 flags per mile.

12. Pick-up crews or support vehicles must enter the course route only from existing roads and must limit travel to the marked course or existing roads and trails. No cross-country travel by pick-up crews or support vehicles will be allowed.

13. All vehicles participating in the race will be equipped with proper brakes and a muffler in good working condition. No vehicle equipped with muffler cut-out, bypass, or similar device, or producing excessive noise may be operated.

14. Race entrants will be limited to 400 riders.

15. The permittee shall provide for a minimum of 4 chemical toilets at the main parking-pit area. This requirement must meet the applicable state and local standards and guidelines.

16. Alcoholic beverages may be dispensed at the event if properly licensed in the State of New Mexico.

17. The permittee will be responsible for all trash and litter clean-up resultant from the event. The start, finish, and pit areas shall be cleaned up and the trash removed no later than 8 days after the race. All course markers, signs, flagging, and discarded vehicle parts located along the course will also be removed no later than 15 days after the race.

18. The permittee shall make every effort to prevent, report, control, and suppress any fires in the operating area and will be held responsible for suppression and cost of fire caused on public lands through negligence of his participants.

19. Any government-owned structure, property, land, or resource harmed or damaged by the permittee, participants, or spectators associated with the permitted use shall be reconstructed, repaired, rehabilitated, and restored as may be required by BLM within 30 days after the event so that the condition thereof, in the judgment of BLM, is at least equal to the condition thereof immediately prior to such damage or destruction. Permittee further shall abate, as soon as possible, any structure, property, land, wildlife, vegetation, and/or other resources.

20. The permittee will, within 14 days after the event, complete the attached Post Event Data Form and submit it to the District Manager, Las Cruces District Office, Bureau of Land Management, P.O. Box 1420, Las Cruces, New Mexico 88001.

CERTIFICATE OF INSURANCE

MOTORCYCLE EVENTS LIABILITY INSURANCE

NATIONAL FIRE AND MARINE INSURANCE COMPANY

3024 Harney Street — Omaha, Nebraska 68131

(A STOCK COMPANY HEREINAFTER CALLED THE COMPANY)

THIS is to certify that the following described policy or policies has or have been issued to AMERICAN MOTORCYCLE ASSOCIATION, INC. by K & K INSURANCE AGENCY, INC. authorized representative of the company or companies, and is or are in force on the date mentioned below on payment of premium in accordance with policy conditions. This certificate of insurance neither affirmatively nor negatively amends, extends or alters the coverage afforded by any policies described herein. Rather, it is simply a synopsis or summary of the designated policy number 2GL 7600.

Certificate No. 2136-1 A.M.A. Sanction No. Tarantula #4

1. INSURED: AMERICAN MOTORCYCLE ASSOCIATION, INC. AND PRAIRIE DAWG MOTORCYCLE CLUB, INC.; BUREAU OF LAND MANAGEMENT; AND ROY HOLCOMB. As their interests may appear for the purposes of this policy certificate.

CERTIFICATE MAILING ADDRESS:
Mr. Gene D. Bishop
Bishop Insurance Agency
121 Wyatt Drive, Suite No. 14
P. O. Box 1319
Las Cruces, New Mexico 88001

2. Certificate of Insurance beginning at 12:01AM on the 19th day of February ~~XXXX~~, and ending at 12:01AM on the 21st day of February, 19 77, Standard Time at place of issue, described above.

TYPE OF EVENT: 2 DAY DESERT SCRAMBLE Premium ~~XXXXXXX~~ $ 134.00

AT TRACK LOCATION: East of Highway 54, approximately 24 miles South of Alamogordo, New Mexico.

3. PREMIUM PAYMENT: It is a condition precedent to the Company's liability hereunder that the INSURED shall remit applicable premium therefor, at least one day or more before each RACING PROGRAM, and evidenced by U.S. Post Office postmark on transmittal envelope, by check or draft paid when presented for payment, to

K & K INSURANCE AGENCY, INC.
3015 Bowser Avenue
Fort Wayne, Indiana 46806

for the Company, advising also the date of the program to be covered. In the event a racing program as advised above is completely cancelled for any reason and no motorcycles have been on the track, 100% of the premium paid for said program will be refunded. If a racing program is cancelled for any reason, including adverse weather conditions, after any motorcycles have been on the track for any reason including practice or time trials, 25% of the premium for said program shall be retained by the Company. In the event more than one-half of the events have been run before a program as advised above is called off, or, if the spectators' "rain checks" are not honored on another race date, 100% premium shall be retained by the Company.

PREMIUM: The amount of premium to be paid hereon is as follows:

Bodily Injury & Property Damage Liability $ 134.00 per Racing Program

Participants Legal Liability $ Not Covered per Racing Program

TOTAL $ 134.00 per Racing Program

4. LIMITS OF LIABILITY: The insurance afforded is only with respect to the following coverages and the Company's limit of liability shall be as stated and subject to all the terms of this Policy having reference thereto:

Regardless of the number of (1) INSUREDS under this Policy, (2) persons or organizations who sustain BODILY INJURY or PROPERTY DAMAGE, (3) claims made or suits brought on account of BODILY INJURY or PROPERTY DAMAGE, the Company's liability for loss hereunder is limited to:

$ 300,000.00 each OCCURRENCE combined BODILY INJURY and PROPERTY DAMAGE — Coverage A & B

$ 300,000.00 in the aggregate for the policy period as respects Refreshment — Products Liability

$ 300,000.00 in the aggregate for the Policy Period as respects Personal Injury Liability — Coverage D

The INSURED to assume and pay the first $50.00 each OCCURRENCE resulting in a PROPERTY DAMAGE claim.

1-20-77 dr

APPENDIX 10

DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

NEW MEXICO

PROPOSED DESIGNATION OF MOSSMAN ARROYO
OFF-ROAD VEHICLE MANAGEMNT AREA

The Bureau of Land Management, Department of the Interior, has filed application NM . on 1978, for the designation of lands described below:

NEW MEXICO PRINCIPAL MERIDIAN

R. 24 S., R. 3 E.,

Sec. 20: E½, NW¼, N½SW¼, SE¼SW¼;
Sec 21, 22, 27 and 28: All;
Sec. 29: E½, E½NE¼ and E½SW¼.

The area described aggregates 3,640 acres of public land in Dona Ana County and conforms with the purpose of Executive Order 11644 (37 FR 2877, February 9, 1972) relating to the use of off-road vehicles on public lands and by authority of regulations under 43 CFR 6290. The area will be managed under regulations contained in 43 CFR 2924 and 6290, as amended (41 FR 31518, July 28, 1976, proposed).

The applicant desires that the lands be designated as the Mossman Arroyo ORV Area for intensive, open, off-road motorized vehicle use. Competitive and casual use will be permitted.

For a period of 40 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed designation may present their views in writing to the undersigned Authorized Officer of the Bureau of Land Management.

The Department of the Interior's regulations provide that the Authorized Officer of the BLM will undertake such investigations as are necessary to determine the existing potential demand for the lands and their resources. Consultation has been conducted with ORV interest groups and the area sought is the minimum essential to meet their needs for ORV purpose.

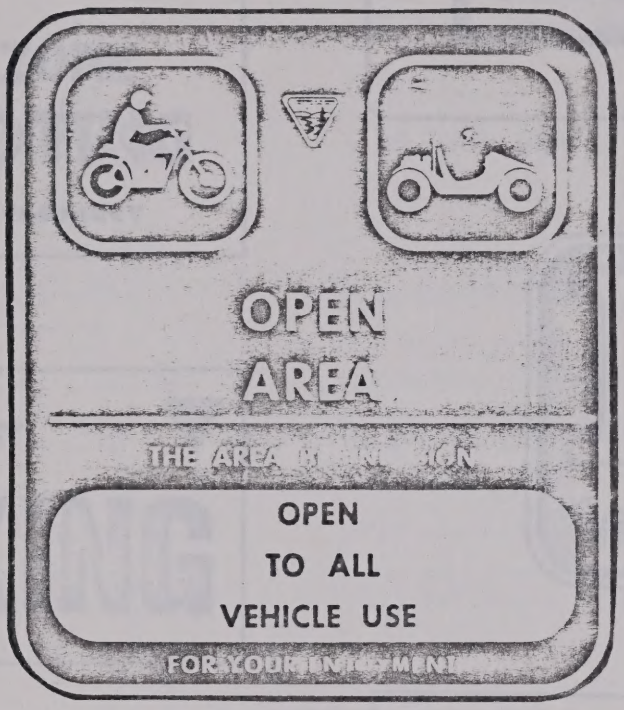
All communications in connection with this proposed action should be addressed to the District Manager, Bureau of Land Management, Department of the Interior, P. O. Box 1420, Las Cruces, New Mexico 88001.

,1979 Arthur W. Zimmerman

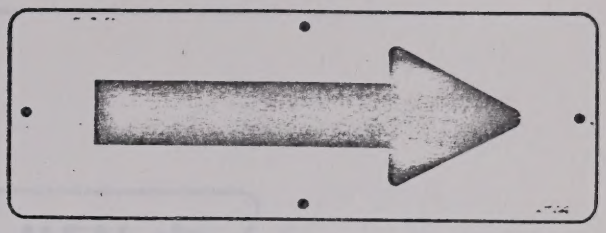
(FRDoc 79- Filed 79,: a.m. State Director

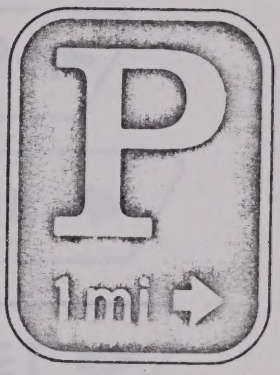
MANAGEMENT SIGNS

Special Signs - Off-Road Vehicle



UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
SAFETY ZONE
NO SHOOTING
RESPECT LIFE AND PROPERTY

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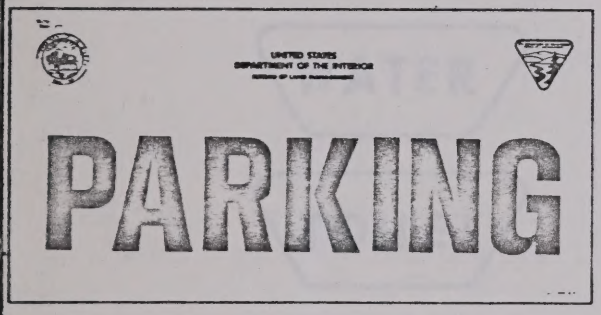
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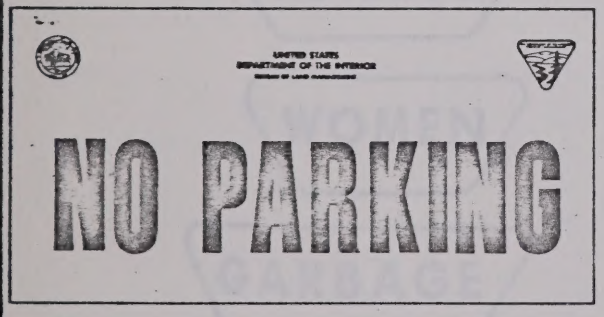
S-77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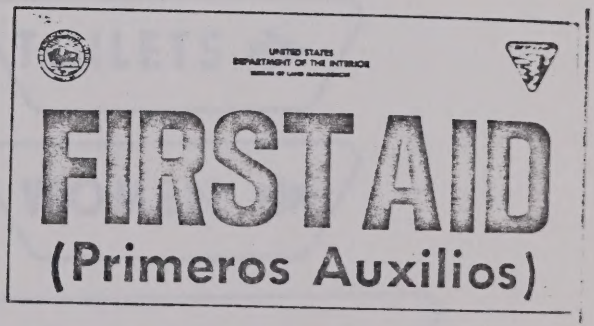
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(Primeros Auxilios)

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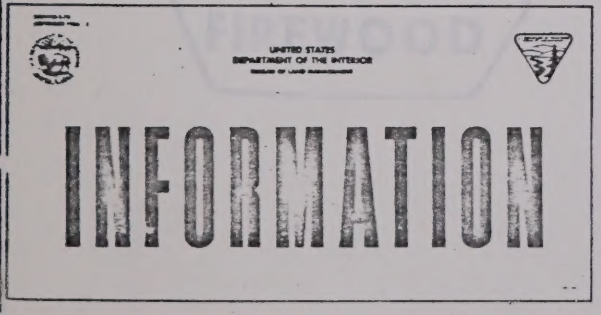
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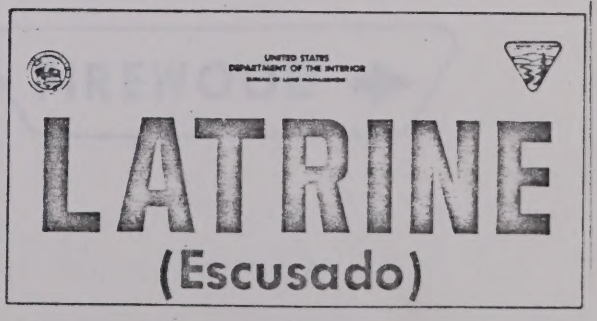
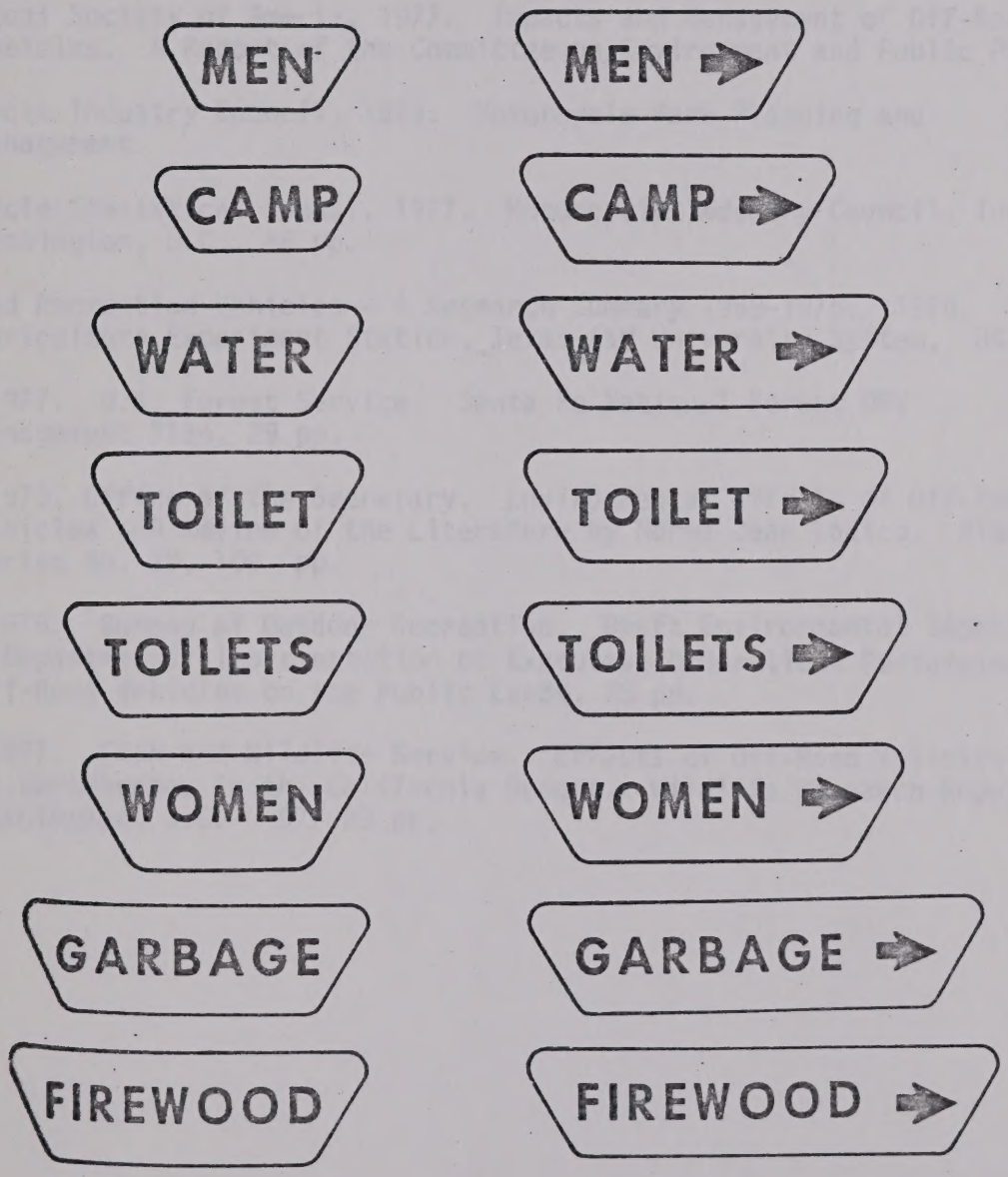

LATRINE
(Escusado)

SAFETY ZONE
NO SHOOTING
PARKING
NO PARKING
FIRST AID
(Primeros Auxilios)
INFORMATION
LATRINE
(Escusado)


MEN
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FIREWOOD
FIREWOOD

MEN
CAMP
WATER
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GARBAGE
FIREWOOD

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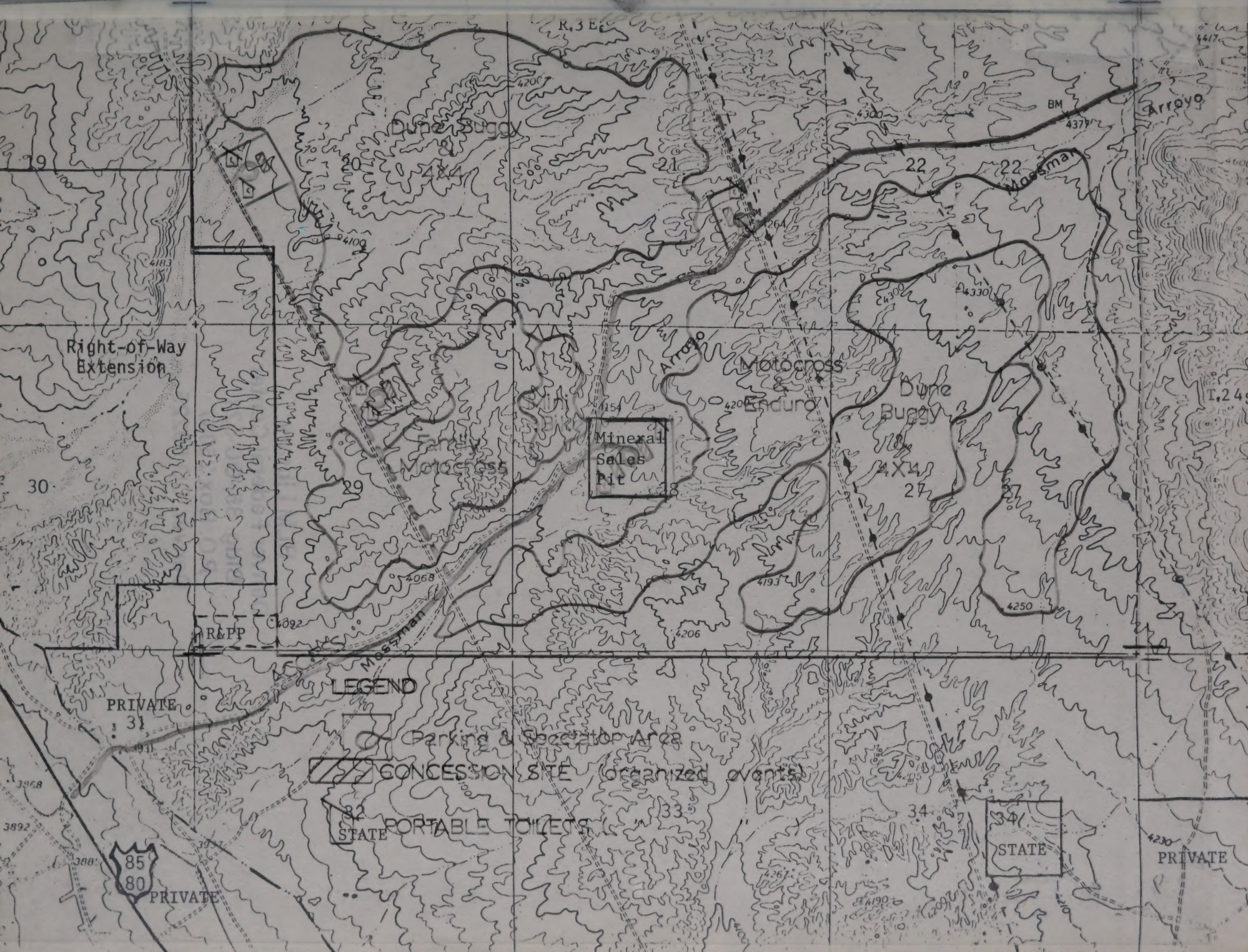
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Parking & Spectator Area
CONCESSION SITE (organized events)
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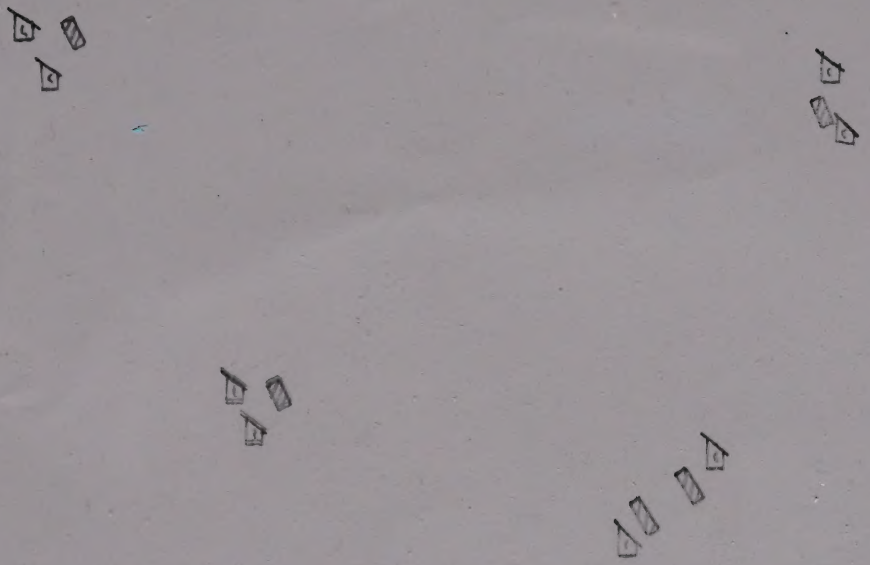


LEGEND

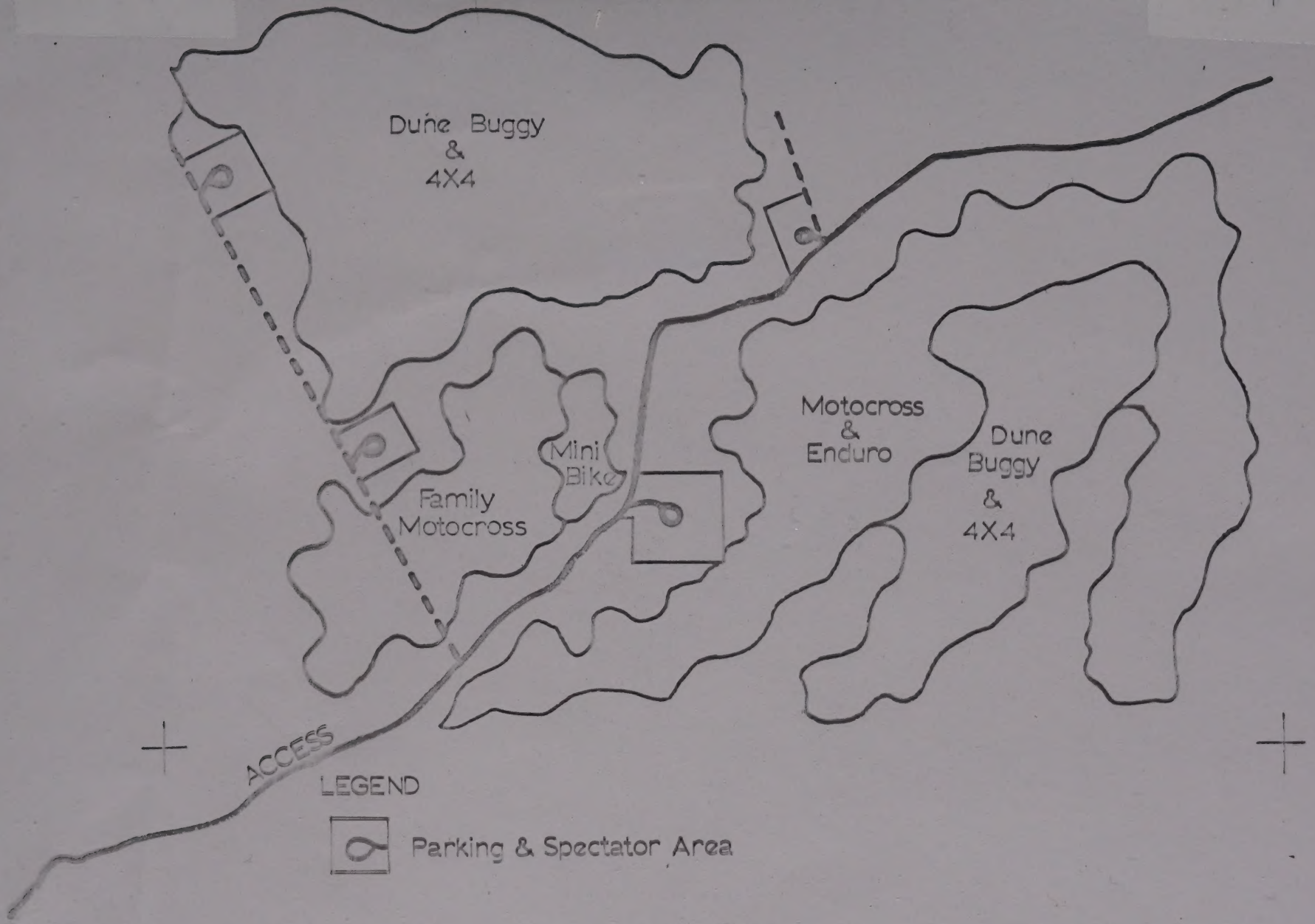
CONCESSION SITE (organized events)

PORTABLE TOILETS (" ")

LEGEND

PORTABLE TOILETS (" " ")

CONCESSION SITE (designated areas)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ACCESS
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Parking & spectator Area
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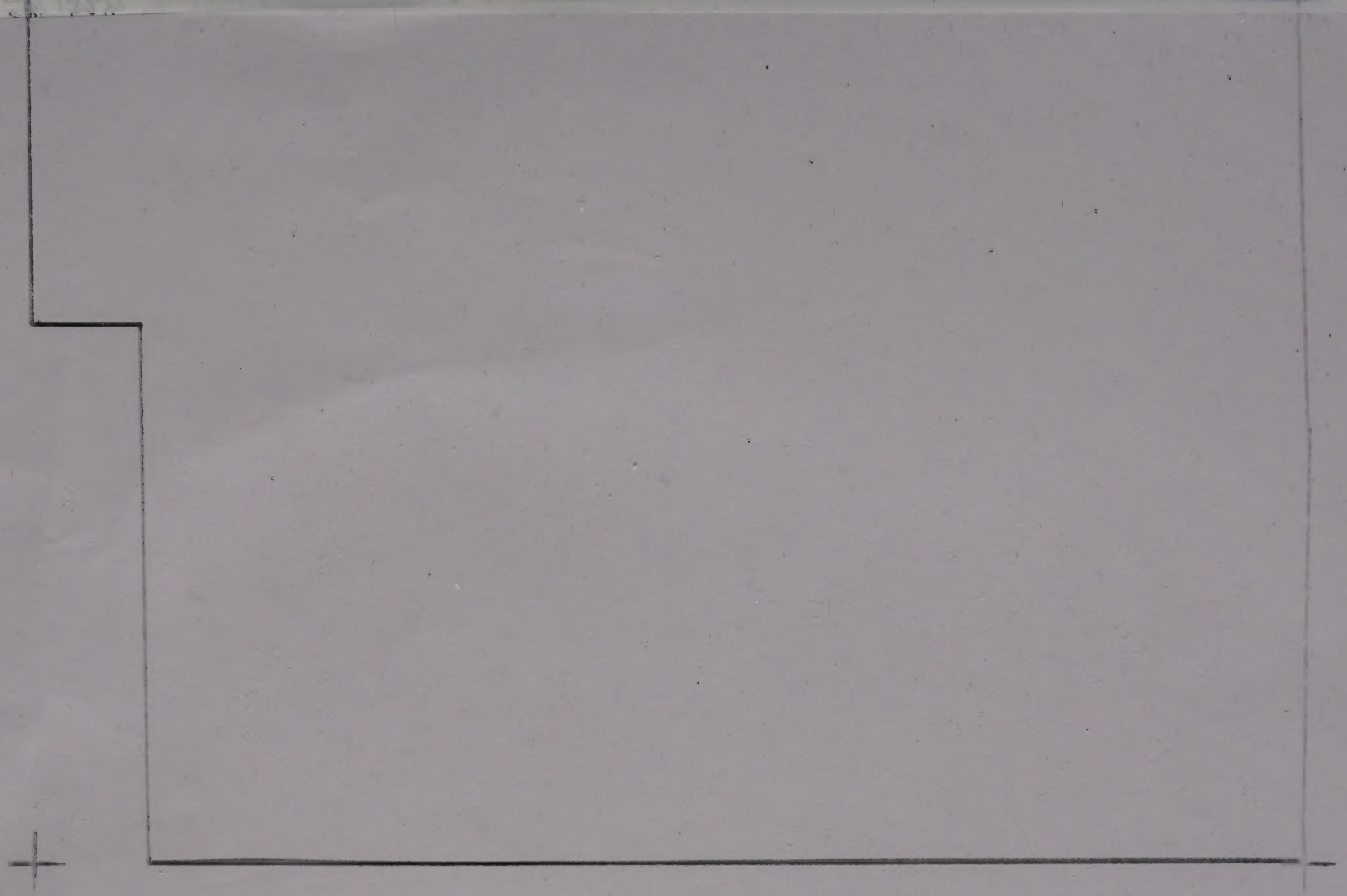
Enduro & Motocross
4X4 & Buggy Drag



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CONCESSION SITE (organized events)

Parking & Spectator Area

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ACCESS

Motocross Family

Bikes Mini

Enduro & Motocross

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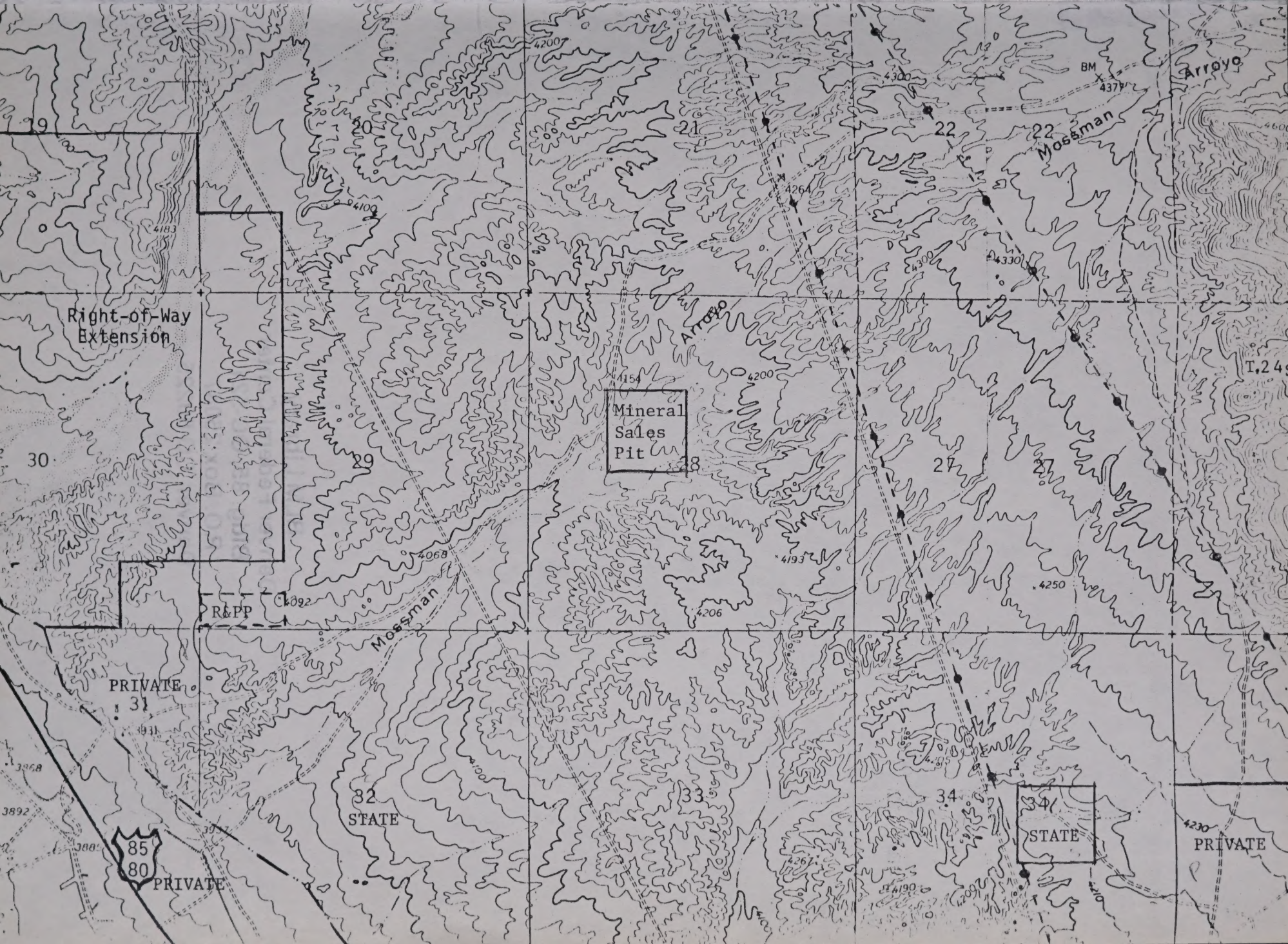
ATV & Drag Bradd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